

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-8596-2023

Date of decision : 01.08.2023

Gautam Kumar

... Petitioner

Versus

Union of India through Narcotics Control Bureau, Chandigarh Zonal Unit

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Satnam Singh Gill, Advocate
for the petitioner.

Ms.Gurmeet Kaur Gill, Sr. Panel Counsel
for UOI-NCB.

VIKAS BAHL, J.(ORAL)

1. This is the second petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR/NCB Crime no. 62 dated 20.09.2021 registered under Sections 8, 18, 28, 29, 60, 62 of the Narcotic Drugs and Psychotropic Substances Act 1985 (in short “NDPS Act”) at Police Station NCB, Chandigarh, U.T.

2. Brief facts of the present case that the Union of India through Ajit Pal Singh, Intelligence Officer, Narcotics Control Bureau, Chandigarh Zonal Unit had filed a complaint against the petitioner and co-accused Gurminder Singh under Sections 8, 18, 28, 29 & 62 of the NDPS Act in the Court of Judge, Special Court, under NDPS Act, 1985, Patiala. As per the allegations in the complaint, secret information was received on 19.09.2021 at around 08:00 PM by Sanjeev Kumar, Intelligence Officer, NCB, which was reduced into writing and the same was to the effect that Gurminder

Singh, co-accused of the petitioner was involved in the trafficking of opium and that he would be bringing a consignment of opium in vehicle bearing no.PB-23-T-1041 from Rohtak to Nabha and he would cross the Bhagat Singh Chowk on Narwana-Patran road between 09:00 hours to 10:00 hours on 20.09.2021. Accordingly, a team was constituted and Gurminder Singh along with one Prabhveer Singh, who was travelling in the above mentioned vehicle, were apprehended by the NCB team. It was found that Gurminder Singh was carrying consignment of opium in the vehicle which upon weighing, came to be 2.625 kgs (commercial quantity stipulated for the same starts from 2.5 kgs). On the statement of accused Gurminder Singh to the effect that he had purchased opium from the present petitioner, the present petitioner was implicated as an accused in the present case. In paragraph 28 of the complaint, it has been stated that the petitioner, in pursuance of notice issued under Section 67 of the NDPS Act, had presented himself before Ajit Pal Singh, Intelligence Officer on 21.09.2021 and at that time, the petitioner was carrying a black coloured bag with "TYCOON" written on it and had given Rs.45,000/- which he was carrying in the bag to said Ajit Pal Singh, Intelligence Officer. The disclosure statement of the petitioner was also recorded.

3. Learned counsel for the petitioner has submitted that the petitioner was not named in the secret information and no recovery of any narcotic drugs has been effected from him. It is further submitted that the petitioner has no concern with the vehicle bearing no. PB-23-T-1041 in which the narcotic drugs were allegedly being carried by the co-accused. It is stated that even as per para 28 of the complaint (page 26 of the paper book), the petitioner had presented himself on 21.09.2021 before Ajit Pal

himself had handed over Rs.45,000/- to the said Investigating Officer. It is further stated that there is no evidence to corroborate the fact that the said amount of Rs.45,000/- was drug money. It is submitted that the petitioner has been implicated solely on the basis of disclosure statement made by the co-accused and his own disclosure statement which had been recorded in custody and is thus, inadmissible in evidence. It is further submitted that even after the arrest of the petitioner, no narcotic drugs have been recovered from the petitioner. On the said aspect, learned counsel for the petitioner has relied upon judgment passed by the Hon'ble Supreme Court in case titled as "*Tofan Singh Vs. State of Tamil Nadu*" reported as **2021(1) RCR (Criminal) 1**, order passed by Coordinate Bench of this Court dated 17.06.2020 in **CRM-M-12051-2020** titled "*Mewa Singh Vs. State of Punjab*", and order of Coordinate Bench dated 16.07.2021 passed in **CRM-M-12997-2020** titled as "*Daljit Singh Vs. State of Haryana*" to contend that in a case where the petitioner is sought to be implicated solely on the basis of disclosure statement of co-accused and no recovery of any narcotic has been effected from the accused even after their arrest, then the petitioner/accused should be granted the benefit of bail. It is contended that the petitioner has been in custody since 21.09.2021 and out of 6 witnesses, 4 witnesses are yet to be examined and thus, the trial is likely to take time. It is further contended that the petitioner is not involved in any other case under the NDPS Act and the previous bail application of the petitioner was dismissed as withdrawn at that stage on 15.11.2022 and even thereafter, sufficient time has lapsed but the trial has not concluded, thus, entitling the petitioner to file present bail application. It is stated that any further incarceration would be violative of the right of the petitioner enshrined

petitioner has relied upon various orders of the Hon'ble Supreme Court, wherein, solely on the basis of the custody, the concession of bail has been granted. Reliance has also been placed upon an order of the Hon'ble Division Bench of this Court in *CRM3773-2019 in CRA-D-198-DB-2017* in case titled as "*Bhupender Singh Vs. Narcotic Control Bureau*".

4. Learned counsel appearing for the respondent-Union of India on the other hand, has opposed the present petition for regular bail and has submitted that the recovery which has been effected from Gurminder Singh, co-accused is of 2.625 kgs. opium which would fall within the ambit of commercial quantity inasmuch as the commercial quantity stipulated for the same starts from 2.5 kgs. It is submitted that Gurminder Singh from whom the recovery has been effected, has named the present petitioner in his disclosure statement as the person who had supplied the recovered opium to him and had even given the details of his identity and in pursuance of the said disclosure statement, notice under Section 67 of the NDPS Act was issued to the present petitioner and thereafter, the petitioner, on 21.09.2021, had appeared before Ajit Pal Singh, Intelligence Officer and had handed over a bag along with Rs.45,000/- which as per the case of the prosecution, is drug money. It is further submitted that the petitioner is involved in three other cases i.e., case no.68/17 dated 11.11.2017 under Sections 341, 342, 323, 324, 325, 307, 354, 448, 34 IPC registered at P.S. Vashishstnagar (Jharkhand), case no.84/18 dated 05.12.2018 under Sections 341, 342, 323, 324, 379, 34 IPC registered at PS Vashishtnagar (Jharkhand) and case no.26/20 dated 05.05.2020 under Sections 143, 341, 448, 323, 504, 506, 34 IPC registered at PS Vashishtnagar (Jharkhand) and thus, the petitioner does not deserve the concession of regular bail. Other facts have, however, not been disputed.

5. Learned counsel for the petitioner, in rebuttal, has submitted that as far as the case no.26/20 and case no.84/18 are concerned, the petitioner has already been found innocent and the challan has not been presented against him. With respect to the other case, learned counsel for the petitioner has relied upon the judgment of Hon'ble Supreme Court in ***“Maulana Mohd. Amir Rashadi vs. State of U.P. and another”***, reported as ***2012 (2) SCC 382*** to contend that the facts and circumstances of the present case are to be seen while deciding a bail application and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in other cases. The relevant portion of the said judgment is reproduced hereinbelow:-

“As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc.”

6. This Court has heard learned counsel for the parties and has perused the paper book.

7. The petitioner was not named in the secret information received nor was apprehended along with the narcotic drugs which were being carried by co-accused Gurminder Singh and Prabhveer Singh in vehicle bearing no. PB-23-T-1041 which, as per the case of the prosecution, was rented by Gurminder Singh from Prabhveer Singh, who was driving the same. The petitioner has been implicated in the present case on the basis of disclosure statement made by Gurminder Singh to the effect that it was the petitioner, who had supplied the recovered opium to Gurminder Singh although even after the arrest of the present petitioner, no recovery of any

narcotic drug has been effected from him and the primary piece of evidence against the petitioner is the disclosure statement of Gurminder Singh as well as his own disclosure statement made while in custody.

8. The Hon'ble Supreme Court in ***Tofan Singh's*** case (supra), had observed as under:-

“152. Thus, to arrive at the conclusion that a confessional statement made before an officer designated under [section 42](#) or [section 53](#) can be the basis to convict a person under the [NDPS Act](#), without any non obstante clause doing away with [section 25](#) of the Evidence Act, and without any safeguards, would be a direct infringement of the constitutional guarantees contained in Articles 14, 20(3) and 21 of the Constitution of India.”

9. A coordinate Bench of this Court ***Mewa Singh's*** case (supra), had passed the following order-

“1. The petitioner has approached this Court seeking grant of anticipatory bail in a case registered against him vide FIR No.133 dated 24.11.2019 under Section 21 NDPS Act Police Station Lohian, District Jalandhar.

2. Reply way of affidavit of Mr. Piara Singh, PPS, Deputy Superintendent of Police, Sub-Division Shahkot, District Jalandhar (Rural) on behalf of the respondent-State has been filed, which is taken on record.

3. The allegations in nut-shell are that Bachittar Singh was found in possession of 1.7 Kgs. 'Heroin'. During the course of interrogation, he made a disclosure statement nominating the petitioner as an accused wherein he stated that the contraband in question had been supplied by the petitioner.

4. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and was never arrested at the spot and that the alleged disclosure statement is not worth credence.

5. Opposing the petition, learned State counsel has submitted that keeping in view the antecedents of the petitioner his complicity is clearly evident inasmuch as he stands involved in three other cases i.e. FIR No.43 dated 2.4.2016 under Sections 15, 21, 22 NDPS Act, Police Station Sultanpur Lodhi; FIR No.5 dated 5.1.2020 under Sections 307, 186, 332, 353, 224, 225, 427, 148, 149 IPC, Police

Station Sultanpur Lodhi & FIR No.193 dated 193 dated 22.11.2019 under Sections 15, 21, 25, 29 NDPS Act, Police Station Kartarpur.

6. I have considered rival submissions addressed before this Court.

7. It is not disputed that the petitioner was never apprehended at the spot and that the only evidence against him is in the shape of disclosure statement, the admissibility and veracity of which would be tested during the course of trial. As regards the other three cases which are stated to be pending against the petitioner, the learned counsel for the petitioner has submitted that even in the said cases he has been falsely implicated and was never arrested at the spot and has been granted anticipatory bail in all three cases.

8. Having regard to the facts and circumstances of the case and that it is a case where the petitioner has been nominated solely on the basis of disclosure statement, the petition is accepted and it is ordered that the petitioner in the event of his arrest shall be released on bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

9. It is however clarified that in case the petitioner does not join investigation, it shall be open to the investigating agency/prosecution to move for cancellation of his bail.”

10. Another coordinate Bench of this Court in ***Daljit Singh's*** case (supra) judgment is reproduced hereinbelow:-

“Petitioner seeks grant of anticipatory bail under Section 438 Cr.P.C. in case bearing FIR No.188 dated 08.04.2020 registered under Sections 15, 18, 27A, 29 of NDPS Act, under Sections 140, 188, 216, 419, 420, 467, 468, 471, 474 IPC and under Section 6 of Official Secret Act at Police Station Pehowa, District Kurukshetra.

Petitioner has been implicated on the basis of disclosure statement of co-accused from whom 248 kgs of poppy husk, 1 Kg 500 grams of opium and 199 Kgs khas khas were recovered.

FIR was registered on the basis of secret information, but still name of petitioner did not figure in the ruqa of the police.

Notice of motion was issued on 27.05.2020 alongwith

interim directions in favour of the petitioner to join the investigation.

Order dated 27.05.2020 is reproduced here as under:-

“On account of outbreak of covid-19 the instant matter is being taken up through video conferencing.

Instant petition has been filed under Section 438 Cr.PC for grant of anticipatory bail to the petitioner in FIR No.188 dated 8.4.2020 for the offences under Section 15,18,27-A,29 of NDPS Act, 1985 at Police Station Pehowa, District Kurukshetra.

Learned counsel for the petitioner has inter alia contended that the petitioner is innocent and has been falsely implicated in the case only on the basis of disclosure statement of co-accused from whom recovery of 248 kgs of poppy husk, 1 kg 500 grams of opium and 199 kgs.of khas khas was recovered. It has been further contended that the factum of his false implication is further fortified from the fact that the recovery of the aforementioned narcotic contraband was effected on the basis of secret information and his name did not figure either in the ruka sent by the police nor in the FIR in question coupled with the fact that nothing was recovered from him. He is not even involved in any other case of similar nature.

Notice of motion for 10.7.2020.

On the asking of the Court, Mr. Saurabh Mohunta, DAG., Haryana accepts notice.

Meanwhile, petitioner is directed to join the investigation and appear before the investigating agency/Investigating Officer. On his appearance, he shall be released on interim bail to the satisfaction of arresting/investigating officer. The petitioner shall, join the investigation as and when call for and shall abide by the conditions specified under Section 438(2) Cr.P.C.

27.05.2020

**(MANJARI NEHRU KAUL)
JUDGE**

Thereafter, the case was adjourned for filing detailed reply on behalf of the State.

The stands of the State is that the petitioner was escorting the canter in which the contraband was present and he was assigned the duty of giving signal in case of presence of police on the way.

Learned State counsel relies upon call details, tower location of the petitioner and the co-accused and also relies upon bank statement showing deposit of amount in the account of co-accused. The material on which the learned State counsel relies

upon is dependent upon the evidence to be led in that context at the relevant stage.

Petitioner has joined the investigation, but learned State counsel seeks custody of the petitioner on the aforesaid premise.

*Having heard learned counsel for the parties, I find that the petitioner having involved on the basis of disclosure statement of co-accused namely Balbir and Rajinder is hit by the ratio of **Tofan Singh vs State of Tamil Nadu, Criminal Appeal No.152 of 2013** wherein it has been observed that the officers who are invested with powers under Section 53 of NDPS Act are the police officers within the meaning of Section 25 of the Evidence Act. Any confessional statement made before the police officer would be hit by Section 25 of the Evidence Act. Statement under Section 67 of NDPS Act cannot be used as a confessional statement in the trial of an offence under NDPS Act.*

In view of aforesaid position, it would be just and appropriate to confirm order dated 27.05.2020, without meaning anything on the merits of the case.

Ordered accordingly.

However, the petitioner shall keep on joining the investigation as and when required to do so by the Investigating Officer and shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Petition stands disposed of.”

11. A perusal of the above said judgments, more so the judgment of Hon’ble Supreme Court in **Tofan Singh’s** case (supra) would show that it was held that a confessional statement made before an officer designated under Section 42 or Section 53 of the Act, if made the basis to convict a person under the NDPS Act, without any safeguards, would be an infringement of the constitutional guarantee contained in Articles 14, 20(3) and 21 of the Constitution of India. A perusal of paragraph 28 of the complaint would show that it was the petitioner who had presented himself before the Intelligence Officer on 21.09.2021 and had handed over Rs.45,000/- to Ajit Pal Singh, Intelligence Officer which, as per the case of

the prosecution, is drug money. It is the case of the petitioner that there is no evidence to show that the said money was drug money and mere recovery of money cannot be made the basis for convicting the present petitioner. This Court does not wish to give any affirmative opinion on the said aspect as the said issue would be a matter of trial, which would be considered by the trial Court on the basis of evidence led by the parties during the course of trial. Undisputedly, the petitioner has been in custody since 21.09.2021 and out of 6 witnesses, 4 witnesses are yet to be examined and thus, the trial is likely to take time and the petitioner is not involved in any other case under the NDPS Act.

12. The Hon'ble Supreme Court has repeatedly held that even in a case which involves commercial quantity, the accused can be released on regular bail by taking into consideration the long period of custody of the accused. Reference in this regard may be made to the judgment of Hon'ble the Supreme Court dated 04.05.2023 passed in ***Special Leave to Appeal (Crl.) No(s).3221/2023*** in case titled as "***Hasanujjaman and others Vs. The State of West Bengal***", in which it had been observed as under:-

"xxx xxx xxx xxx. They were arrested on the spot and have been in custody for more than one year and four months.

3. *We have heard learned counsel for the parties and carefully perused the record.*

4. *The investigation is complete; chargesheet has been filed, though the charges are yet to be framed. The conclusion of trial will, thus, take some reasonable time, regardless of the direction issued by the High Court to conclude the same within one year from the date of framing of charges. The petitioners do not have any criminal antecedents. There is, thus, substantial compliance of Section 37 of the NDPS Act.*

5. *In such circumstances, but without expressing any views on the merits of the case, we deem it appropriate to release the petitioners on bail subject to the terms and conditions as may be imposed by the Trial Court.*

6. *Additionally, it is clarified that in case the petitioners are found involved in any other case under the NDPS Act or other penal law, it shall*

amount to misuse of the concession of bail granted to them today, and in such a case, necessary consequences shall follow.

7. *The petitioners are further directed to appear before the Trial Court regularly. In the event of they being absent, it shall again be taken as a misuse of concession of bail.*

8. *The Special Leave Petition stands disposed of in the above terms.*

9. *As a result, pending interlocutory application also stands disposed of."*

A perusal of the same would show that in the abovesaid case, the custody of the accused was 1 year and 4 months and while taking into consideration the fact that investigation has been completed as well as that the conclusion of trial would take time, the Hon'ble Supreme Court was pleased to grant the concession of regular bail to the petitioners therein.

13. The Hon'ble Supreme Court in case titled as **"*Mohammad Salman Hanif Shaikh Vs. The State of Gujarat*"**, vide order dated 22.08.2022 passed in ***Special Leave to Appeal (Crl.) No.5530-2022*** was pleased to observe as under: -

"We are inclined to release the petitioner on bail only on the ground that he has spent about two years in custody and conclusion of trial will take some time.

Consequently, without expressing any views on the merits of the case and taking into consideration the custody period of the petitioner, this special leave petition is accepted and the petitioner is ordered to be released on bail subject to his furnishing the bail bonds to the satisfaction of the Special Judge/ concerned Trial Court.

The special leave petition is, accordingly, disposed of in the above terms.

Pending application(s), if any, shall also stand disposed of."

The above-said case was also a case under the NDPS Act and the FIR had been registered under Sections 8(c), 21(c) and 29 of the said Act. The case of the prosecution therein was that the recovery from the said petitioner (therein) was of commercial quantity. The Hon'ble Supreme

Court had observed that the concession of bail was being granted to the petitioner (therein) only on the ground that he had spent about two years in custody and the conclusion of trial will take some time.

14. Hon'ble Supreme Court in ***Criminal Appeal No.245/2020*** titled as ***"Chitta Biswas Alias Subhas Vs. The State of West Bengal"***, vide order dated 07.02.2020, was pleased to grant concession of bail to the petitioner (therein) in a case where the custody was of 1 year and 7 months approximately. The relevant portion of the said order dated 07.02.2020 is as under: -

"Leave granted.

This appeal arises out of the final Order dated 30.7.2010 passed by the High Court of Calcutta in CRM No.6787 of 2019.

The instant matter arises out of application preferred by the appellant under Section 439 Cr.P.C. seeking bail in connection with Criminal Case No.146 of 2018 registered with Taherpur Police Station for offence punishable under Section 21-C of the Narcotic Drugs and Psychotropic Substances Act, 1985.

According to the prosecution, the appellant was found to be in possession of narcotic substance i.e. 46 bottles of phensydryl cough syrup containing codeine mixture above commercial quantity.

The appellant was arrested on 21.07.2018 and continues to be in custody. It appears that out of 10 witnesses cited to be examined in support of the case of prosecution four witnesses have already been examined in the trial.

Without expressing any opinion on the merits or demerits of the rival submissions and considering the facts and circumstances on record, in our view, case for bail is made out. We therefore, allow this appeal and direct as under:

(a) Subject to furnishing bail bond in the sum of Rs.2 lakhs with two like sureties to the satisfaction of the Judge, Special Court, NDPS Act, Nadia at Krishnagar, the appellant shall be released on bail.

(b) The Special Court may impose such other conditions as it deems appropriate to ensure the presence and participation of the appellant in the pending trial. With the aforesaid directions, the appeal stands allowed."

"Gopal Krishna Patra @ Gopalrusma Vs. Union of India," vide order dated 05.08.2022, the Hon'ble Supreme Court was pleased to observe as under: -

"Leave granted.

This appeal challenges the judgment and order dated 25.01.2022 passed by the High Court Of Madhya Pradesh, Principal Seat at Jabalpur, in MCRC No.117/2022. The appellant is in custody since 18.06.2020 in connection with crime registered as N.C.B. Crime No.02/2020 in respect of offences punishable under Sections 8, 20, 27-AA, 28 read with 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

The application seeking relief of bail having been rejected, the instant appeal has been filed.

We have heard Mr. Ashok Kumar Panda, learned Senior Advocate in support of the appeal and Mr. Sanjay Jain, learned Additional Solicitor General for the respondent.

Considering the facts and circumstances on record and the length of custody undergone by the appellant, in our view the case for bail is made out.

We therefore, direct that:

(a) The appellant shall be produced before the Trial Court within five days from today.

(b) The Trial Court shall release the appellant on bail subject to such conditions as the Trial Court may deem appropriate to impose.

(c) The appellant shall not in any manner misuse his liberty.

(d) Any infraction shall entail in withdrawal of the benefit granted by this Order.

The appeal is allowed in aforesaid terms."

A perusal of the above-said order would show that in the said case also, the custody was of approximately 2 years, 1 month and 17 days and the case was under the NDPS Act and primarily, considering the longevity of the custody period, concession of bail was granted to the petitioner (therein).

16. The Hon'ble Supreme Court of India in ***Special Leave to Appeal (Crl.) No.5769/2022*** titled as ***"Nitish Adhikary @ Bapan Vs. The***

State of West Bengal", vide order dated 01.08.2022, was pleased to observe as under: -

"As per the office report dated 29.07.2022, copy of the show cause notice along with Special Leave Petition was supplied to the Standing Counsel for the State of West Bengal and separate notice has been served on the State also. However, no one has entered appearance on their behalf.

The petitioner seeks enlargement on bail in F.I.R. No. 612 of 2020 dated 17.10.2020 filed under Section 21(c) and 37 of the NDPS Act, registered at Police Station Bongaon, West Bengal.

During the course of the hearing, we are informed that the petitioner has undergone custody for a period of 01 year and 07 months as on 09.06.2022. The trial is at a preliminary stage, as only one witness has been examined. The petitioner does not have any criminal antecedents.

Taking into consideration the period of sentence undergone by the petitioner and all the attending circumstances but without expressing any views in the merits of the case, we are inclined to grant bail to the petitioner.

The petitioner is accordingly, directed to be released on bail subject to him furnishing bail bonds to the satisfaction of the Trial Court.

The Special Leave Petition is disposed of on the aforesaid terms.

Pending application(s), if any, shall stand disposed of."

A perusal of the said order would also show that the said case was under the NDPS Act and the provisions of Section 37 of the NDPS Act were also mentioned in the same and the concession of bail was granted primarily by considering the petitioner (therein) had undergone custody for a period of 01 year and 07 months and only one witness had been examined.

17. The Hon'ble Division Bench of this Court in **Bhupender's** case (supra), had also held that in case, the accused person is able to make out a case within the parameters of Article 21 of the Constitution of India on the basis of period of custody, then he deserves the concession of regular bail, even in the face of rigors of Section 37 of the NDPS Act.

18. A coordinate Bench of this Court vide order dated 24.04.2023

passed in *CRM-M-19626-2022* titled as “*Roop Singh Vs. State of Punjab*” has granted the concession of regular bail in a case involving recovery of commercial quantity of poppy husk where the custody was for a period of 1 year, 6 months and 26 days on the ground of long incarceration of the accused person being in violation of right to speedy trial enshrined under Article 21 of the Constitution of India.

19. Keeping in view the above-said facts and circumstances as well as the law laid down in the above-said judgments, the present petition is allowed and the petitioner is directed to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate and subject to him not being required in any other case. The petitioner shall also abide by the following conditions:-

- a). The petitioner will not tamper with the evidence during the trial.
- b). The petitioner will not pressurize / intimidate the prosecution witness(s).
- c). The petitioner will appear before the trial Court on the date fixed, unless personal presence is exempted.
- d). The petitioner shall not commit an offence similar to the offence of which he is accused of, or for commission of which he is suspected.
- e). The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

prosecution shall be at liberty to move an application for cancellation of bail before this Court.

21. Nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(VIKAS BAHL)
JUDGE

August 01, 2023
Davinder Kumar

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No