

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

229

CRM-M-8033-2023 (O&M)

Date of decision: 20.02.2023

JASMEET SINGH ALIAS MEET ALIAS JAGMEET SINGH ALIAS
JAGGA

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Priyanshu Kamra, Advocate
for the petitioner.

Mr. Kamalpreet Bawa, AAG Punjab.

AMAN CHAUDHARY. J.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No.198 dated 14.07.2021, under Sections 21(b) of the NDPS Act registered at Police Station Lambi, District Sri Muktsar Sahib.

Learned counsel contends that the petitioner is in custody for the last almost 5 months. The alleged recovery effected from Parminder Singh @ Pinder is non-commercial as per the Schedule of the NDPS Act. Petitioner is implicated based on disclosure statement leading to no recovery from him. 5 out of 6 co-accused including Parminder Singh @ Pinder from whom the alleged recovery was effected have been granted bail, Annexures P-2 to P-6. Challan has been presented on 18.11.2022, however, charges are yet to be framed and in all there are 16 witnesses.

Learned State counsel has produced the custody certificate dated

19.02.2023, which is taken on record. As per which, the petitioner has undergone custody of 4 months and 24 days. He opposes the bail on the ground that petitioner is a habitual offender as he is involved in two cases under the NDPS Act and one under the IPC. He is, however, unable to controvert the submissions made by learned counsel for the petitioner with regard to involvement of the petitioner based on disclosure statement, recovery effected from co-accused being non-commercial in nature, custody and stage of the trial.

Heard.

In view of the facts and circumstances of the case, in particular that the petitioner is in custody for the last almost 5 months; alleged recovery effected from Parminder Singh @ Pinder is non-commercial as per the Schedule of the NDPS Act therefore, rigors of Section 37 of NDPS Act are not attracted in the present case; no recovery has been effected from him; co-accused have been granted regular bail; challan has been presented on 18.11.2022, however, charges are yet to be framed; in all there are 16 witnesses, the trial is likely to take a considerable time, his further detention behind bars would not serve any useful purpose, thus the present petition for grant of regular bail deserves to be allowed.

As a result, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned and subject to him not being required in any other case. The petitioner shall abide by the following conditions:-

1. The petitioner will not tamper with the evidence during the trial.
2. The petitioner will not pressurize/ intimidate the prosecution witnesses.
3. The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
4. The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected

of.

- 5. The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
- 6. The petitioner shall not in any manner misuse his liberty.
- 7. The petitioner shall furnish his address and mobile number to the Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the petitioner seeks to change any of the aforesaid, the same shall be done only with prior intimation to the learned Trial Court, stating the reason for the same.
- 8. The petitioner shall deposit his passport, if any, with the Trial Court forthwith and in case, he does not have the passport, he shall furnish a specific affidavit in this regard.

It is made clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

In view of the above, this Court makes it clarified that the observations made herein above are limited for the purpose of present proceedings and would not be construed as any opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

(AMAN CHAUDHARY)
JUDGE

February 20, 2023

S.Sharma(syr)

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