

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

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CRM-M-8595-2023 (O&M)

Date of decision: 28.03.2023

SANDEEP SINGH HC

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. PKS Phoolka, Advocate
for the petitioner.

Ms. Kanica Sachdeva, 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.71 dated 27.05.2022, under Sections 21(b)/22(c), 25 and 29 of the NDPS Act and Section 25/27 of the Arms Act, and Section 279/427 IPC registered at Police Station City Rampura, District Bathinda.

Learned counsel contends that the petitioner is in custody for the last 2 months and 21 days having been arrested on 07.01.2023. The alleged recovery effected from the petitioner is of countrymade pistol. There is no allegation against him qua the offence under the NDPS Act. Challan stands presented, however, charges are yet to be framed. In all there are 23 prosecution witnesses.

Learned State counsel opposes the bail on the ground that countrymade pistol was recovered from the petitioner and that there is one more FIR under Sections 409, 380 and 120-B IPC against him. She is however unable to controvert the submissions with regard to custody and stage of trial and of his non-involvement in offence under the NDPS Act in the present case.

Heard.

In view of the facts and circumstances of the case, in particular that the petitioner is in custody for the last 2 months and 21 days; there is no allegation against him with regard to the offence under the NDPS Act; challan stands presented; charges are yet to be framed; in all there are 23 prosecution 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 abundantly 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

March 28, 2023

S.Sharma(syr)

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