

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

224

CRM-M-15259-2023 (O&M)

Date of decision: 11.04.2023

SUKHWINDER SINGH ALIAS SONA

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Amarpreet S. Bathindewala, Advocate
for the petitioner.

Mr. H.S. Sullar, Sr. DAG 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)/25/29 of NDPS Act, Sections 25/27 of Arms Act and Sections 279 and 427 of IPC, registered at Police Station City Rampura, District Bathinda.

Learned counsel contends that the petitioner is in custody for the last about 3 months. The allegations against the petitioner are of having purchased a pistol from Head Constable namely Sandeep Singh, which was allegedly sold to the co-accused namely Ritik Khanna, who is involved in the present case under the NDPS Act. He submits that a similarly situated co-accused Khushdeep Singh was granted anticipatory bail by this Court vide order dated 27.03.2023. He is not involved in any other case. Charges had been framed in this case, however, out of 23 witnesses, none has yet been examined.

Learned State counsel has produced the custody certificate dated

09.04.2023, which is taken on record, as per the same the custody of the petitioner is 2 months and 23 days. He opposes the bail on the ground that there are serious allegations against the petitioner of having supplied arms. He is however unable to controvert the submissions with regard to stage of trial, similarly situated co-accused having been granted anticipatory bail and the petitioner not being involved in any other 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 23 days; he is not involved in any other case; co-accused Khushdeep Singh having already been granted anticipatory bail; though the charges have been framed, however, no prosecution witness has yet been examined, 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

April 11, 2023
M.Kamra

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