

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

226

CRM-M-21952-2023(O&M)

Date of decision: 10.08.2023

Jagjit Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Imaan Singh Khara, Advocate for the petitioner.

Mr. HS Sullar, Sr. DAG, Punjab.

AMAN CHAUDHARY, J.

1. Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.19 dated 23.02.2023, registered under Sections 15(c) and 25 of the NDPS Act, 1985 at Police Station Sangat, District Bathinda.

2. Learned counsel contends that the petitioner is in custody for about 6 months. He has been falsely implicated on the basis of a disclosure statement of co-accused Ravneet @ Meet, who was the driver of the truck. No recovery has been effected from the petitioner. He is not involved in any other case under NDPS Act. Challan stood presented on 10.07.2023, charges are yet to be framed and in all there are 17 witnesses. Reliance has been placed on **Gulzar Singh vs. State of Punjab**, CRM-M-21844-2021, decided on 26.07.2021 and **Tarsem Kumar vs. State of Punjab** 2021(3) Law Herald 2009.

3. The custody certificate dated 09.08.2023, filed by learned State counsel is taken on record. As per the same, the petitioner is behind bars for 5 months and 11 days.

4. Learned State counsel opposes the bail on the ground that commercial quantity of contraband was recovered from the co-accused, who had specifically named the petitioner, who is owner of the truck. He is however unable to controvert the submissions made regarding the stage of the case and petitioner being not involved in any other case under NDPS Act.

5. Heard.

6. In **Gulzar Singh vs. State of Punjab**, CRM-M-21844-2021, decided on 26.07.2021 wherein in similar set of facts regular bail was granted to the accused, who was stated to be owner of the vehicle and recovery had been effected from the driver, after having been in custody for 2 months and 21 days and in **Tarsem Kumar vs. State of Punjab** 2021(3) Law Herald 2009, also bail was granted to the accused, after custody of about four months, who was involved based on disclosure statement of a co-accused on the ground that he was the owner of the truck, wherefrom the recovery of 1.5 kgs opium was effected.

7. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for the last 5 months and 11 days; no recovery has been effected from him; not involved in any other case under NDPS Act; though challan has been presented on 10.07.2023, however, charges have not yet been framed and in all there are 17 witnesses, the trial is likely to take a considerable time, thus his further

incarceration would not serve any useful purpose, the present petition for grant of regular bail deserves to be allowed.

8. 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 his not being required in any other case. The petitioner shall abide by the following conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/ intimidate the prosecution witnesses.
- (iii) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
- (iv) 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.
- (v) 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.
- (vi) The petitioner shall not in any manner misuse his liberty.
- (vii) 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.
- (viii) The petitioner shall not leave the country without prior permission of the trial Court.
- (ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.

9. 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.

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

10.08.2023
ashok

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No