

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

206

CRM-M-25931-2023 (O&M)

Date of decision: 26.05.2023

Lovejeet Singh alias Love

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. L.M. Gulati, Advocate for the petitioner

Mr. M.S. Nagra, AAG Punjab

AMAN CHAUDHARY. J.

1. The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in case FIR No.215 dated 18.08.2022, registered under Section 21 of the NDPS (Sections 27-A and 29 NDPS added later on vide GDR No.21 dated 02.01.2022) Act at Police Station Jandiala, District Amritsar .

2. Learned counsel contends that petitioner is in custody for the last 4 months and 15 days, after Section 27-A and 29 of the NDPS Act were added. However, prior thereto he was in custody for 1 month and 19 days, when he was granted bail vide order dated 10.10.2022. Charges were framed on 08.03.2023, however, none out of 9 witnesses have been examined. The alleged recovery from the petitioner is 10 grams of heroin. He is not involved in any other case.

3. The custody certificate dated 25.05.2023 filed by learned State counsel is taken on record. As per the same, the petitioner is behind the bars for the last 4 months and 15 days.

4. Learned State counsel opposes the bail on the ground that the

contraband in question was recovered from the petitioner and he was apprehended at the spot. He is however unable to controvert the submissions regarding the stage of the case, petitioner having been granted bail previously and he being not involved in any other case.

5. Heard.

6. In view of the facts and circumstances of the case, in particular that the petitioner is in custody for the last 4 months and 15 days; not involved in any other case; petitioner was granted bail prior to addition of Section 27-A and 29 of the Act also; charges stand framed, however out of 9 witnesses none have been examined so far; the trial is likely to take a considerable time, his further incarceration would not serve any useful purpose, thus the present petition for grant of regular bail deserves to be allowed.

7. 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.

8. 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.

9. In view of the above, it is 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

26.05.2023
S.Sharma(syr)

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