

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

213

CRM-M-27156-2023 (O&M)**Date of decision: 01.06.2023**

Palwinder Singh @ Sunny

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Prateek Pandit, Advocate for the petitioner

Mr. H.S. Sullar, Sr. DAG 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.10 dated 19.08.2020, registered under Section 25 of the Arms Act; Sections 22 and 29 of the NDPS Act and Sections 420, 467, 468, 120-B IPC, at Police Station State Special Operation Cell, SAS Nagar Mohali.

2. Learned counsel contends that the petitioner is in custody for the last 1 year and about 6 months. His name surfaced in the second disclosure statement of co-accused Yudhvair Singh made after 1 year and 2 months from the registration of the FIR, from whom 530 grams of heroin was recovered, but no recovery has been effected from the petitioner even after his arrest. Co-accused Karamjit Singh @ Karamjeet Singh and Chirag Rathi, who were also named in the first disclosure statement, have been granted regular bail by this Court vide orders dated 07.04.2022 and 02.11.2021, Annexures P-2 and P-3 respectively. Petitioner was implicated in the present case while he was in custody in another FIR. Challan was presented on 05.04.2022, however, charges have not been framed and in all, there are 14 prosecution witnesses.

3. The custody certificate dated 31.05.2023² filed by learned State counsel is taken on record. As per the same, the petitioner is behind bars for the last 1 year, 5 months and 8 days.

4. Learned State counsel opposes the bail on the ground that the petitioner has been specifically named by the co-accused with whom he is involved in another case of dealing in narcotic substances. He is however unable to controvert the submissions regarding stage of the case, co-accused having been granted bail by this Court and no recovery having been effected from the petitioner.

5. Heard.

6. In view of the facts and circumstances of the case, in particular that the petitioner is in custody for the last 1 years 5 months and 8 days; no recovery has been effected from the petitioner; co-accused have been granted bail; though challan was presented, however, charges have yet not been framed; in all there are 14 prosecution witnesses; 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 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.

(AMAN CHAUDHARY)
JUDGE

01.06.2023

S.Sharma(syr)

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