

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

214

CRM-M-27786-2023
Date of decision : 3.7.2023
2023:PHHC:083100

Tasleem

.....Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr.Tarun Kumar, Advocate for the petitioner

Mr.HS 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.0147 dated 23.06.2022, registered under Section 22 of the NDPS Act (Section 29 of NDPS Act added later on), at Police Station Sadar Nabha, District Patiala.

2. Learned counsel contends that in an earlier petition, the petitioner was granted interim anticipatory bail vide order dated 31.8.2022, Annexure P-4, however, later on it was ordered to be dismissed as withdrawn vide order dated 15.03.2023, Annexure P-5, whereafter, he was arrested on 28.04.2023 and since then, he is in custody. He has alleged false implication and no contraband was recovered from him. His name surfaced on the disclosure statement of co-accused, from whom, the alleged recovery was effected. Challan has been presented, wherein also there is no evidence to connect him to the recovery that was effected from co-accused Mohd.

Kamil. Two more co-accused, namely, Mohammad Shakir and Ashish Kumar, from whom 10500 tablets were recovered, however, found to be not falling in the category of Psychotropic or Narcotics substance, have already been granted regular bail by this Court vide Annexure P-2 and P-3, one of whom was in custody for 2 months and 25 days. He further submits that the charges have not been framed. In all there are 18 prosecution witnesses. The petitioner is not involved in any other case. He relies on the judgment passed by Hon'ble The Supreme Court in the case of **Tofan Singh vs. State of Tamil Nadu**, 2021(1) RCR (Crl.) 1.

3. The custody certificate dated 02.07.2023 has been filed by learned State counsel, which is taken on record. As per the same, the petitioner is behind bars since 28.04.2023.

4. Learned State counsel opposes the bail on the ground that the petitioner was specifically named by the co-accused, from whom, the recovery of commercial quantity of contraband was effected. He is however unable to controvert the submissions with regard to the stage of the case; co-accused have already been granted regular bail; no recovery effected from the petitioner and he not being involved in any other case.

5. Heard.

6. Keeping in view the afore-referred judgment and the facts and circumstances of the case, in particular that the petitioner is in custody since 28.04.2023, no recovery has been effected from him as his name surfaced on the disclosure statement of the co-accused; not involved in any other case; co-accused have already been released on bail; challan was presented, but the charges are yet to be framed; there are 18 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 on 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:-

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 not leave the country without prior permission of the trial Court.
9. The trial Court/ Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.

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 any opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

03.07.2023
gsv

(AMAN CHAUDHARY)
JUDGE

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