

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

CRM-M-31966-2023

Date of decision : 10.08.2023

JASPAL SINGH ALIAS MAMAN

....Petitioner

Versus

STATE OF HARYANA

....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Ms. Himani Anand, Advocate for the petitioner.

Mr. A.K. Sehrawat, DAG, Haryana.

PANKAJ JAIN, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.88, dated 13th of March, 2023 registered for the offences punishable under Sections 15(c) and (Sections 27-A and 29 added later on) of Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Pehowa, District Kurukshetra.

2. Custody Certificate of the petitioner has been produced. The same is taken on record.

3. Counsel for the petitioner submits that the petitioner was nominated on the disclosure made by co-accused Narender Singh who was apprehended along with the contraband. As per the disclosure, part of the contraband was to be delivered to the petitioner. Counsel relies upon **Tofan Singh vs. State of Tamil Nadu, (2021) 4 SCC 1** to submit that the extra judicial confession of Narender Singh being a weak piece of evidence

cannot be read to drive-home guilt of the petitioner. Apart from that counsel relies upon order dated 21st of July, 2023 passed in CRM-M No.33890 whereby co-accused namely Daljit Singh @ Jeet stands admitted to bail.

4. State Counsel does not dispute the aforesaid factual assertions based on record.

5. I have heard counsel for the parties and have gone through records of the case.

6. Without commenting on the merits of the case, keeping in view the law laid down by the Apex Court in the case of **Tofan Singh's** case (supra), the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, in addition to conditions that may be imposed by the Trial Court/Duty Magistrate concerned, the petitioner shall remain bound by the following conditions :-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence oral or documentary during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence similar to the one alleged in the present case.
- (v) The petitioner shall deposit his passport, if any with the trial Court.
- (vi) The petitioner shall give his cellphone number to

the police authorities and shall not change his cell-phone number without permission of the trial Court.

(vii) The petitioner shall not in any manner try to delay the trial.

7. In case of breach of any of the aforesaid conditions and those which may be imposed by the Trial Court, the prosecution shall be at liberty to move cancellation of bail of the petitioner.

8. Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

August 10, 2023		(Pankaj Jain)
Dpr		Judge
Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No