

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

212

CRM-M-41987-2021 (O&M)
Date of decision: 25.01.2023

ROHIT CHAWARIA

....Petitioner(s)

Versus

UNION OF INDIA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Suneel Sharma, Advocate with
Mr. Vishal Sharma, Advocate
for the petitioner.

Ms. Gurmeet Kaur, Senior Panel Counsel
for NCB/Union of India.

AMAN CHAUDHARY. J.

This is the second petition filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No.67 dated 09.12.2020, under Sections 8, 20, 29, 60 of NDPS Act, registered at Police Station NCB, Chandigarh at place of Seizure National Highway, Rampur Seuri, Panchkular, Haryana.

Learned counsel contends that the petitioner is in custody since 09.12.2020 and he is not involved in any other case. Charges were framed on 14.10.2022, however, no witness has yet been examined and the trial will take sufficient time to conclude.

Learned counsel appearing on behalf of NCB submits that the petitioner was apprehended at spot while he was waiting for the delivery of the contraband. However, she is unable to controvert the submission made by learned

counsel for the petitioner.

Heard.

In view of the facts and circumstances of the case, in particular that the petitioner is in custody since 09.12.2020; he is not involved in any other case; charges have been framed, however, no witness has yet been examined, the trial is likely to take a considerable time, his further detention behind bars would not serve any useful purpose, thus the present petition for grant of regular bail deserves to be allowed.

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.

It is made abundantly clear that in case there is any breach of the aforesaid conditions, and in case the petitioner commits a similar offence in future, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

In view of the above, this Court makes it 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

January 25, 2023

M.Kamra/S.Sharma(syr)

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