

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

235

CRM-M-35327-2023 (O&amp;M)

Date of decision: 27.07.2023

Amarjit Singh

....Petitioner

Versus

State of Punjab

...Respondent

**CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY**

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Present : Mr. Vikramjeet Singh, Advocate for the petitioner

Mr. H.S. Sullar, Sr. DAG Punjab

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**AMAN CHAUDHARY, J.**

1. Prayer in the present petition filed under Section 439 Cr.P.C. is for the grant of regular bail to the petitioner in case FIR No.165 dated 24.10.2022, registered under Sections 21(c), 29, 61 and 85 of the NDPS Act at Police Station Sadar Fazilka, District Fazilka

2. Learned counsel contends that the petitioner is in custody for more than 6 months. His name surfaced based on the disclosure statement of co-accused Sahil, who is in custody. He alleges false implication. There is no recovery effected from the petitioner and no evidence has also emerged to connect him to the case, but for the aforesaid disclosure statement, which is inadmissible in the eyes of law as per the judgment passed by Hon'ble The Supreme Court in the case of **Tofan Singh vs. State of Tamil Nadu**, (2021) 4 SCC 1. He is not involved in any other case. Challan stands presented on 03.04.2023, however, charges are yet to be framed. In all there are 25 witnesses. Reliance is placed on the order passed by Co-ordinate Bench of this Court in **Sandeep Kumar @ Gogi vs. State of Haryana** in CRM-M-24505-2022 decided on 07.12.2022, wherein also the petitioner was implicated on the basis of disclosure statement, no recovery had been effected from him, he was involved in one more case

under the NDPS Act.

3. The custody certificate dated 26.07.2023, filed by learned State counsel is taken on record. As per the same, the petitioner is behind bars for 6 months and 5 days.

4. Learned State counsel opposes the bail on the ground that petitioner has been specifically named in the disclosure statement of co-accused, from whom the contraband in question was recovered. He is however unable to controvert the submissions regarding the stage of the case and petitioner being not involved in any other case.

5. Heard.

6. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for 6 months and 5 days; is involved on the basis of disclosure statement; no recovery has been effected from him; first offender; challan stands presented on 03.04.2023, however, charges are yet to be framed; in all there are 25 prosecution witnesses, the trial is likely to take considerable time and thus his further incarceration would not serve any useful purpose, as such 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:-

- (i). The petitioner will not tamper with the evidence during the trial.
- (ii). The petitioner will not pressurize/ intimidate the prosecution witnesses.
- (iii). The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.

- (iv). 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.
- (v). 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.
- (vi). The petitioner shall not in any manner misuse his liberty.
- (vii). 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.
- (viii).The petitioner shall not leave the country without prior permission of the trial Court.
- (ix). 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 an opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

(AMAN CHAUDHARY)  
JUDGE

27.07.2023

S.Sharma(syr)

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