

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

210

CRM-M-38214-2023 (O&M)
Date of decision: 11.08.2023

Sanjay @ Sanju

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Amit Singla, Advocate for the petitioner.

Mr. Baljinder Singh Virk, Sr. DAG, Haryana.

AMAN CHAUDHARY, J.

1. Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.131 dated 11.06.2020, registered under Section 15 of the NDPS Act, 1985 at Police Station Narwana Sadar, District Jind.
2. Learned counsel contends that the petitioner is in custody for about 10 months. Recovery of 640 kgs of poppy husk was effected from the truck in which the co-accused, who named the petitioner, was sitting along with two more persons. No recovery has been effected from the petitioner and there is nothing to connect him, other than the disclosure statement. He is not involved in any other case under the NDPS Act. Reliance is placed on the judgment of Hon'ble The Supreme Court in the case of **Tofan Singh vs. State of Tamil Nadu**, (2021) 4 SCC 1. Though charges were framed on 07.07.2023 and only 1 out of 27 witnesses has been examined.

3. The custody certificate dated 10.08.2023, filed by learned State counsel is taken on record. As per the same, the petitioner is behind bars for 9 months and 21 days.

4. Learned State counsel opposes the bail on the ground that commercial quantity of contraband was recovered from co-accused of the petitioner and he was specifically named in his disclosure statement. He is however unable to controvert the submissions made regarding the stage of the case, petitioner being not involved in any other case under the NDPS Act and no recovery has been effected from him.

5. Heard.

6. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for the last 9 months and 21 days; not involved in any other case under NDPS Act; his name surfaced based on the disclosure statement of the co-accused; no recovery has been effected from him; charges were framed on 07.07.2023 and 26 prosecution witnesses remain to be examined; the trial is likely to take a considerable time, thus his further incarceration would not serve any useful purpose, 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 his 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.

11.08.2023
ashok

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No