

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-43639-2022

Date of Decision: 13.03.2023

Navdeep Singh

.... Petitioner

Versus

State of Punjab

.... Respondents

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Ms. Manpreet Ghuman, Advocate for the petitioner.

Mr. Jaspal Singh Guru,
Assistant Advocate General, Punjab.

ASHOK KUMAR VERMA, J. (ORAL)

Custody certificate dated 11.03.2023, filed by learned counsel for the State is taken on record.

Prayer in this fourth petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No. 349 dated 20.12.2019 registered under Sections 22, 25, 29, 61 and 85 of the NDPS Act at Police Station City Rajpura, District Patiala. The first two petitions i.e. CRM-M-13313-2020, was dismissed vide order dated 10.06.2020 and CRM-M-23241-2020 was dismissed as withdrawn vide order dated 09.11.2020, whereas the third petition i.e. CRM-M-3557-2021 for grant of interim bail on medical grounds was dismissed by this Court on 01.03.2021.

Brief facts of the prosecution story in nutshell are that the petitioner along with his co-accused, namely, Babu Ram and Mukesh

Kumar, was apprehended by the police and upon conclusion of tainted investigation the police officials have shown the alleged recovery of 25000 tablets of Tramadol from the petitioner, 12000 tablets of Tramadol from co-accused-Babu Ram and 12000 tablets of Tramadol from co-accused-Mukesh Kumar, which falls within the ambit of 'commercial quantity'.

Learned counsel for the petitioner, *inter alia*, contends that the petitioner has falsely been implicated in the instant case. Petitioner was not named in the FIR and implicated in the instant case on the basis of disclosure statements suffered by his co-accused which is a very weak type of evidence. He is not involved in any other case under the NDPS Act. Out of total 11 prosecution witnesses, 03 have already been examined by the trial Court. Petitioner is in custody since 25.12.2019. The trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. More so, co-accused of the petitioner, namely, Babu Ram, has already been released on regular bail by a co-ordinate Bench of this Court, vide order dated 15.09.2022 (Annexure P-3). Thus, it is prayed that the petitioner may also be released on regular bail.

On the other hand, learned counsel for the State vehemently opposed the submissions of learned counsel for the petitioner.

Keeping in view the facts and changed circumstances of the case and the fact that co-accused of the petitioner namely, Babu Ram, has already been released on regular bail by a co-ordinate Bench of this

Court, vide order dated 15.09.2022 (Annexure P-3), but without commenting on merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Therefore, the petition is allowed and petitioner-Navdeep Singh, is ordered to be released on regular bail on furnishing of bail/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate concerned. The petitioner shall also 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 witness(s).
3. The petitioner will appear before the trial Court on the date fixed, unless personal presence is exempted.
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.
5. The petitioner shall not directly or indirectly make any inducement, threat 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 case of breach of any of the above conditions, the prosecution shall be at liberty to move an application for cancellation of bail before this Court.

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However, nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would

proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

March 13, 2023
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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No