

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-46869-2022 (O&M)
Date of decision: 01.02.2023

BASHISTH KUMAR @ VASHISHT KUMAR

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. D.S. Matya, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG Haryana.

AMAN CHAUDHARY. J.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No.159 dated 23.07.2022, under Sections 20(B)(ii)(b) of NDPS Act registered at Police Station DLF Phase-I, Gurugram, District Gurugram.

Learned counsel contends that it is a case of recovery of non-commercial contraband as per the Schedule of the NDPS Act. He submits that the petitioner is in custody since 23.07.2022, charges have been framed on 12.01.2023, however none out of the 12 prosecution witnesses has been examined till yet.

Learned State counsel opposes the bail on the ground that the allegation levelled against the petitioner is of serious nature as the alleged contraband was recovered from the petitioner, when he was apprehended at the spot. However, he is unable to controvert the submissions 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 23.07.2022; recovery effected from him is non-commercial as per the Schedule of the NDPS Act; charges have been framed on 12.01.2023, however, none out of 12 prosecution witnesses have been examined yet, 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 clear that in case there is any breach of the aforesaid conditions and in case the petitioner commits 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

February 01, 2023
M.Kamra/S.Sharma(syr)

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