

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

213

CRM-M-51380-2022 (O&M)

Date of decision: 24.07.2023

Rajan Arora

..Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Gaurav Antwal, Advocate for the petitioner

Mr. Manipal Singh Atwal, DAG, Punjab

AMAN CHAUDHARY, J.

1. The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.160 dated 03.09.2020, registered under Sections 22 and 29 of NDPS Act, at Police Station Bathinda Kotwali, District Bathinda.

2. Learned counsel contends that the petitioner has been in custody for more than 1 year. His name had surfaced based on disclosure statement of co-accused-Happy, from whom commercial quantity of contraband had been recovered and was granted regular bail vide order dated 09.03.2022, Annexure P3, after a custody of 1 year, 8 months and 1 day. Co-accused, Ankush Arora was also granted regular bail vide order dated 04.03.2022, Annexure P2, with a custody of 1 year, 5 months and 26 days. No recovery has been effected from the petitioner. He has been falsely implicated in this case. Out of 15 witnesses, none has been examined, though charges were framed on 05.03.2021. The petitioner is not involved in any other case. Reliance is placed upon the order granting bail 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 and no recovery had been effected from him.

3. The custody certificate dated 23.07.2023, filed by learned State counsel is taken on record. As per the same, the petitioner is behind bars for 1 year and 8 days.

4. Learned State counsel opposes the bail on the ground that the petitioner was specifically named by co-accused Happy in his disclosure statement from whom commercial quantity of contraband has been recovered. He is however unable to controvert the submissions made regarding the stage of the trial, co-accused having been granted regular bail and petitioner not being 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 the last 1 year and 8 days; is not involved in any other case; co-accused have been enlarged on bail; though charges were framed on 05.03.2021 but none out of 15 witnesses have yet been 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.

24.07.2023
ashok

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No