

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

301

CRM-M-54780-2022

Date of decision: 18.08.2023

Mohabbatjit Singh

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Ankur Saini, Advocate for
Mr. Vivek Salathia, Advocate for the petitioner.

Mr. Aditya Kapoor, AAG, Punjab.

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.42 dated 24.06.2022, registered under Section 21 NDPS Act, 1985 (Sections 25, 27-A, 29 of NDPS Act, 1985 and Sections 25, 27, 54 & 59 Arms Act, 1959 added later on) at Police Station Mehta, District Amritsar.

2. Learned counsel contends that the petitioner is in custody for 1 year and 14 days. He was implicated in the case on the basis of disclosure statement of co-accused, Pardeep Singh, from whom 20 grams of heroin was recovered and he has been granted regular bail vide order dated 26.07.2022. No recovery was effected from the petitioner. Co-accused Ramandeep Singh and Davinder Singh have also been granted regular bail vide orders dated 19.10.2022 & 25.07.2022

respectively. Though, challan was presented on 21.10.2022 but till date charges have not been framed. In all there are 17 prosecution witnesses. The petitioner is not involved in any other case under the NDPS Act, 1985. Insofar as the amount that was recovered from the petitioner pursuant to his alleged disclosure statement is concerned, the same was on account of land that was mortgaged by his mother for the purpose of marriage of his petitioner vide mortgage deed dated 22.07.2022, Annexure P-3 and wedding card Annexure P-4.

3. The custody certificate dated 17.08.2023 has been filed by learned State counsel. As per the same, the petitioner is behind bars for 01 year and 14 days.

4. Learned State counsel opposes the bail on the ground that the petitioner was stated to be involved in the sale and purchase of drugs and money was got recovered from him pursuant to his disclosure statement. He is, however, unable to controvert the submissions with regard to stage of the case, co-accused have been granted bail and the petitioner is not involved in any other case under the NDPS Act, 1985.

5. Heard.

6. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for the last 01 year and 14 days; implicated on the basis of disclosure of the co-accused, who has been granted bail; not involved in any other case; challan was presented on 21.10.2022, however, charges have not been framed so far; in all there are a total of 17 prosecution witnesses, 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 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

18.08.2023

Ankur

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No