

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

217

CRM-M-57130-2022 (O&M)  
Date of decision: 15.03.2023

MANMEET CHEEMA

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CRM-M-3207-2023 (O&M)

JAGDISH SINGH @ SUKH

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY  
\*\*\*\*\*

Present : Mr. Rahul Goyal Chandiwalla, Advocate  
for the petitioner in CRM-M-57130-2022.  
  
Mr. Vikas Kumar Gupta, Advocate  
for the petitioner in CRM-M-3207-2023.  
  
Mr. Manipal Singh Atwal, DAG Punjab.  
\*\*\*\*\*

AMAN CHAUDHARY. J.

This common order shall dispose of the above-mentioned two criminal miscellaneous petitions as they arise out of same FIR.

The present petitions have been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioners in respect of FIR No.148 dated 29.05.2022, under Sections 21/29/61/85 of the NDPS Act registered at Police Station Kharar, District SAS Nagar Mohali.

Learned counsel contend that alleged recovery effected from the petitioners is 60 grams of heroin from Dashboard of the vehicle in which they were travelling. However, the recovery effected from the pockets of shorts of the

co-accused was 260 grams. Therefore even the charges have been framed separately. The contraband thus recovered from the petitioners falls within the non-commercial category as the Schedule of the NDPS Act. They both are in custody for more than 9 months having been arrested on 29.05.2022. They are not involved in any other case. Charges were framed on 21.12.2022 and none out of 13 witnesses have yet been examined.

Learned State counsel opposes the bail on the ground that the petitioners were apprehended at the spot and the contraband in question was recovered from them. He is however unable to controvert the submissions with regard to custody, stage of trial and petitioners being not involved in any other case.

Heard.

In view of the facts and circumstances of the case, in particular that the petitioners are in custody for more than 9 months; charges were framed on 21.12.2022, however, none out of 13 witnesses have yet been examined; contraband recovered from the petitioners falls under the category of non-commercial quantity therefore, rigors of Section 37 of NDPS Act are not attracted in the present case; the trial is likely to take a considerable time, their further detention behind bars would not serve any useful purpose, thus the present petitions for grant of regular bail deserve to be allowed.

As a result, the present petitions are allowed. The petitioners are ordered to be released on regular bail, subject to their furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned and subject to they not being required in any other case. The petitioners shall abide by the following conditions:-

- 1. The petitioners will not tamper with the evidence during the trial.
- 2. The petitioners will not pressurize/ intimidate the prosecution witnesses.
- 3. The petitioners will appear before the trial Court on each and every date fixed, unless are exempted by a specific order of Court.
- 4. The petitioners shall not commit an offence similar to the offence of which, they are accused, or for commission of which they are suspected of.
- 5. The petitioners 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 petitioners shall not in any manner misuse their liberty.
- 7. The petitioners shall furnish their 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 petitioners shall deposit their passport, if any, with the Trial Court forthwith and in case, they do not have the passport, they shall furnish a specific affidavit in this regard.

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 petitioners 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.

A photocopy of this order be placed on the file of connected case.

(AMAN CHAUDHARY)  
JUDGE

March 15, 2023

S.Sharma(syr)

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