

CRM-M-54749-2023

2023:PHHC:141941

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

239

CRM-M-54749-2023

Date of decision : 07.11.2023

Nishat**..... Petitioner****versus****State of Haryana****..... Respondent****CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. Mazlish Khan, Advocate
for the petitioner.

Mr. Ashok Kumar Sehrawat, DAG, Haryana.

PANKAJ JAIN, J. (Oral)

1. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.505 dated 05.07.2022, registered for the offence punishable under Section 22-C of NDPS Act (Section 29 of NDPS Act added later on) at Police Station Sector Old Industrial, Panipat, District Panipat.
2. Reliance is being placed upon order dated 08.12.2022 passed in CRM-M-45243-2022 and that of even dated passed in CRM-M-45330-2022, whereby co-accused namely Mohd. Hussain and Vijay Kumar stand admitted to regular bail.
3. Petitioner is stated to have been nominated on the disclosure made by Mohd. Hussain and Shoyab.
4. Counsel for the petitioner thus submits that the case of the petitioner is rather on better footing vis-a-vis Mohd. Hussain and thus submits that the petitioner be ordered to be admitted to bail.

CRM-M-54749-2023

2023:PHHC:141941

5. State counsel is not in a position to dispute the aforesaid factual assertions.

6. Keeping in view while granting parity, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned in view of law laid down by Apex Court in *Tofan Singh vs. State of Tamil Nadu* reported as (2021) 4 SCC 1. However, in addition to conditions that may be imposed by the Trial Court/Duty Magistrate concerned, the petitioner shall remain bound by the following conditions :-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence oral or documentary during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any with the trial Court.
- (vi) The petitioner shall give his cellphone number to the police authorities and shall not change his cell-phone number without permission of the trial Court.
- (vii) The petitioner shall not in any manner try to delay the trial.

7. In case of breach of any of the aforesaid conditions and those which may be imposed by the Trial Court, the prosecution shall be at liberty to move cancellation of bail of the petitioner.

CRM-M-54749-2023

2023:PHHC:141941

8. Ordered accordingly.

(PANKAJ JAIN)
JUDGE

07.11.2023

Dinesh

Whether speaking/reasoned : Yes

Whether Reportable : No