

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

235

CRM-M-55019-2023

Date of Decision: 09.11.2023

Ankaj Kumar Garg @ Ankuj Kumar Garg

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM : HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. S.K. Passi, Advocate for the petitioner.

Mr. Manipal Singh Atwal, DAG, Punjab.

AMAN CHAUDHARY, J (ORAL)

1. Prayer in the present second petition filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in case FIR No.275 dated 19.06.2022, registered under Sections 22(c)/25 of NDPS Act, 1985 and (Section 29 of NDPS Act, 1985 added later on) at Police Station City Barnala, District Barnala.

2. Learned counsel contends that the petitioner is in custody for about 08 months. His name surfaced based on the disclosure statement of co-accused Binder Singh, who is in custody and from whom as also from co-accused Navdeep Goyal alleged recovery has been effected. The petitioner is a chemist by profession and has been falsely implicated in the case. One of the aforesaid co-accused is also a chemist, therefore there were call details between them. However he is unrelated to the recovery that has been effected from the above co-accused. He is not involved in any other case. Charges were framed wayback on 12.12.2022, but out of 36 witnesses only one has been examined. He relies on the order passed by this Court in

Sandeep Kumar @ Gogi vs. State of Haryana in CRM-M-24505-2022

decided on 07.12.2022, wherein also the petitioner, who was implicated on the basis of disclosure statement but no recovery had been effected from him, was granted regular bail after a custody being of almost 08 months.

3. As per custody certificate dated 08.11.2023 filed by learned State counsel, the petitioner is behind bars for about 7 months and 26 days.

4. Learned State counsel opposes the bail on the ground that the petitioner was specifically named by co-accused in his disclosure statement and there are call details between them. He is however unable to controvert the submissions with regard to stage of the case, no recovery effected from the petitioner as also not involved in any other case.

5. Heard.

6. Keeping in view the facts and circumstances of the case, in particular that the petitioner is in custody for the last 7 months and 26 days; not involved in any other case; no recovery effected from him; charges were framed on 12.12.2022 but only 1 out of a total of 36 witnesses has been examined so far; 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.

(AMAN CHAUDHARY)
JUDGE

09.11.2023
Hemant

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