

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

229

CRM-M-60735-2022 (O&M)

Date of decision: 29.03.2023

NAVJEET SINGH @ NAVI AND ANOTHER

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. P.S. Sekhon, Advocate
for the petitioners.

Mr. Manipal Singh Atwal, DAG Punjab.

AMAN CHAUDHARY. J.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioners in respect of FIR No.263 dated 19.10.2022, under Sections 22-B of NDPS Act, Sections 420 and 342 of IPC and Sections 25, 27 of Arms Act, registered at Police Station Malout, District Sri Muktsar Sahib.

Learned counsel contends that the petitioners are in custody for the last 5 months. The alleged recovery from the petitioners is of non-commercial quantity as per the FSL report filed with the challan, which is under Section 22(b) of NDPS Act. They are not involved in any other case. Challan has already been presented. Charges are yet to be framed. There are 54 witnesses in this case.

Learned State counsel opposes the bail on the ground that the contraband has been recovered from the petitioners and they were running a de-addiction centre without any license having 24 boys, from the premises whereof, the recovery has been effected and a revolver was also recovered. He is however unable to controvert the submissions with regard to custody, stage of trial,

recovery being non-commercial and they being not involved in any other case.

In rebuttal, learned counsel for the petitioners submits that de-addiction centre is being run by the petitioners in the State of Rajasthan and an application for registration of the same institute/centre in question had been filed on 02.07.2021, Annexure P-2 and P-3, which is still under consideration and the revolver, which has been recovered, is licensed revolver, in the name of petitioner No.1.

Heard.

In view of the facts and circumstances of the case, in particular that the petitioners are in custody for the last 5 months; recovery affected from them is non-commercial in nature, therefore, rigors of Section 37 of NDPS Act are not attracted in the present case; they are not involved in any other case; charges in this case are yet to be framed; in all, there are 54 prosecution witnesses, the trial is likely to take a considerable time, their further detention behind bars would not serve any useful purpose, thus the present petition for grant of regular bail deserves to be allowed.

As a result, the present petition is 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 them 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 is 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 them 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 his 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 petitioners seek 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 and in case the petitioners commit similar offence in future, 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.

(AMAN CHAUDHARY)
JUDGE

March 29, 2023
M.Kamra

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