

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

222

CRM-M-60482-2022
Date of decision: 16.02.2023

TARIF

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Balraj Gujjar, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

AMAN CHAUDHARY. J.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No. 133 dated 02.09.2022 under Sections 20, 61, 85 of the NDPS Act (Sections 420, 467, 468, 471, 259, 260 and 263 IPC added later on) registered at Police Station Bahin, District Palwal.

Learned counsel for the petitioner contends that the petitioner, who is 21 years old, has been in custody since 5 months and 10 days. There is no allegation qua him with regard to the involvement under the NDPS Act. The allegations are with regard to having prepared the driving license of the co-accused Shokeen, who is involved in the case under the NDPS Act. He is not involved in any other case; challan has been presented on 03.12.2022; charges are yet to be framed and there are a total of 20 prosecution witnesses and the trial is likely to take sufficiently long time.

Learned State counsel opposes the bail on the ground that the recovery of laptop, RCs and driving license has been effected. However, he is unable to controvert the other submissions made by learned counsel for the petitioner in particular with regard to custody, stage of the trial and the petitioner not being involved under the NDPS Act in this case and that there is no other case against him.

Heard.

In view of the facts and circumstances of the case, in particular that the 21 years old petitioner has been in custody since 05 months and 10 days; no allegation against him regarding NDPS Act; is not involved in any other case; challan has been presented on 03.12.2022; charges are yet to be framed and there are a total of 20 prosecution witnesses; the trial is likely to take a considerable time, his 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 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:-

1. The petitioner will not tamper with the evidence during the trial.
2. The petitioner will not pressurize/ intimidate the prosecution witnesses.
3. The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
4. 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.

- 5. 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.
- 6. The petitioner shall not in any manner misuse his liberty.
- 7. 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.
- 8. The petitioner shall deposit his passport, if any, with the Trial Court forthwith and in case, he does not have the passport, he shall furnish a specific affidavit in this regard.

It is made clear that in case of any infraction of any of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner 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

16.02.2023
Mehak

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