

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

209

CRM-M-4438-2023
Date of decision: 29.05.2023

Karanmjit Singh @ Sahil

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. N. S. Dandiwal, Advocate
for the petitioner
Mr. H. S. Sullar, Sr. DAG, Punjab

AMAN CHAUDHARY. J.

1. The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in case FIR No.238 dated 03.11.2022, registered under Section 21 of the NDPS Act, 1985 (Section 29 of the NDPS Act) at Police Station City Moga, District Moga.
2. Learned counsel contends that petitioner has been in custody for the last about 7 months. The alleged recovery effected from him is 250 grams of heroin, which is non-commercial in nature as per the schedule in the NDPS Act, from the dashboard of the car in which petitioner was the co-passenger. The same was being driven by the co-accused namely Baljinder Singh who has been granted regular bail vide order dated 14.03.2023 after having been in custody for about 4

months. Charges have been framed, however, none out of 16 prosecution witnesses have been examined. The petitioner is involved in one more case wherein the alleged recovery is of 10 grams of heroin. He is on bail in the said case.

3. The custody certificate filed by the learned State counsel is taken on record. As per the same, the petitioner is behind bars for the last 6 months and 17 days.

4. Learned State counsel opposes the bail on the ground that the petitioner was apprehended at the spot and the contraband in question was recovered from the vehicle in which he was travelling as a co-passenger. There is one more case against the petitioner involving non commercial quantity of contraband. However, he is unable to controvert the submissions with regard to the stage of the case.

5. Heard.

6. In view of the facts and circumstances of the case that the petitioner has been in custody for the last 6 months and 17 days; recovery effected from him is non-commercial, therefore, rigors of Section 37 of NDPS Act are not attracted in the present case; he is involved in one more case under the NDPS Act; though charges have been framed, however, none of 16 prosecution witnesses have been examined as yet; the trial is likely to take considerable time, his incarceration would not serve any useful purpose, thus 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:-

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.

8. 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.

9. In view of the above, it is 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

29.05.2023

Mehak

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