

CRM-M-59220-2023

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2023:PHHC:152323

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

CRM-M-59220-2023
Date of decision : 30.11.2023

CHAMAN LAL

....Petitioner

Versus

STATE OF PUNJAB

....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Parminder S. Sekhon, Advocate
for the petitioner.

Mr. Jaswinder S. Arora, DAG, Punjab.

PANKAJ JAIN, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.90, dated 01.09.2023 registered for the offences punishable under Sections 22 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Julkan, District Patiala.

2. Custody Certificate of the petitioner has been filed today in Court. The same is taken on record.

3. As per the contents of the FIR it has been alleged as under :

“xxx statement of ASI Suba Singh 2495/PTL In Charge PP Rohad Jagir PS Julkan Distt. Patiala written by INSP/SHO Kulwinder Singh 2306/SGR received in PS by hand of CT Surinder Puri 1864 for registering the case against Satpal Singh S/o Sardara Singh R/o Village Budhmor PS Julkan Distt. Patiala and Tehal Singh S/o Ranjit Singh R/o Village Tangoli PS

Ismalabad Distt. Kurukshetra Haryana under section 22/61/85 of NDPS Act, which as follows, "Statement of ASI Suba Singh 2495/PTL In Charge PP Rohad Jagir PS Julkan Distt. Patiala Mobile No.95929-12468" stated that I am appointed as In Charge at PP Rohad Jagir PS Julkan. Today I along with ASI Gurbhej Singh 82/PTL, CT Surinder Puri 1864/PTL on a Govt. vehicle bearing registration no.PB-11-Y-6906 with a laptop and printer in it being driven by PC Jaswinder Gir 4/332 were present at T-point Village Devinagar Hira Singh Wala in relation to patrolling and checking of suspicious persons and while barricading the bypassing vehicles and persons were being checked. Then time was around 06:25 PM when two persons among them one Sardar person and one cropped hair person were seen coming on foot from Village Devinagar side. Both persons were carrying polythene colored black in their hands who on seeing the police party immediately turned back and started moving fast, who were then apprehended by me ASI with the help of fellow officials on the basis of suspicion and asked the name and address of Sardar person who upon asking told his name as Satpal Singh So Sardara Singh R/o Village Budhmor PS Julkan Distt. Patiala and cropped hair person told his name as Tehal Singh S/o Ranjit Singh R/o Village Tangoli PS Ismalabad Distt. Kurukshetra Haryana. There is a suspicion of some intoxicant substance in the polythene colored black carried in the hands of both persons. For the further investigation, it has been got noted to the MHC PS Julkan for sending some competent official on the spot, upon which you along with SI Balbir Kaur 50/RRT, ASI Tarsem Kumar 2265 on a Govt. vehicle bearing registration no. Pb-11-CF-3825 make Bolero being driven by PHG Gurnam Singh 30224 have reached on the spot, where I have made you aware about the situation and handed over the above said Satpal Singh and Tehal Singh who have been apprehended on the basis of suspicion along with the polythene colored black carried in their hands. I have got my statement recorded to you, have read, heard and is correct Sd/-

Suba Singh ASI In Charge PP Rohad Jagir, Attestation of
statement Sd/-Kulwinder Singh xxx”

4. Counsel for the petitioner submits that the petitioner has been nominated merely on the basis disclosure made by co-accused Satpal Singh and Tehal Singh from whom the alleged contraband in the form of 1200 tablets of ALPRAZOLAM was recovered. The petitioner is in custody for more than 2 months and 22 days. He has no criminal antecedents. Counsel further submits that apart from the said disclosure made by co-accused that too while in police custody, there is no incriminating evidence available against the petitioner and the same being a weak piece of evidence is not admissible as per law laid down by Apex Court in **Tofan Singh vs. State of Tamil Nadu, (2021) 4 SCC 1**.

5. State Counsel does not dispute the aforesaid factual assertions made by counsel for the petitioner based on record.

6. I have heard counsel for the parties and have gone through records of the case.

7. In view of above, without commenting on the merits of the case, keeping in view the incarceration already suffered by the petitioner and nature of evidence available against him, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

8. 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 cellphone number without permission of the trial Court.
- (vii) The petitioner shall not in any manner try to delay the trial.

9. 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.

10. Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

November 30, 2023**Dpr****(Pankaj Jain)
Judge**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No