

2023:PHHC:158159

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

225

CRM-M-61069-2023

Date of decision : 11.12.2023

**Paramjeet Singh****..... Petitioner****versus****State of Haryana****..... Respondent****CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. ADS Sukhija, Advocate  
for the petitioner.

Mr. Ashok Kumar Sehrawat, DAG, Haryana.

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**PANKAJ JAIN, J. (Oral)**

1. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.88 dated 13.03.2023, registered for the offences punishable under Sections 15(C), 27-A and 29 of NDPS Act, 1985 at Police Station Sadar Pehowa, District Kurukshetra.

2. Petitioner is in custody since 20.04.2023. Counsel for the petitioner submits that three main accused namely Narender Singh, Roshan Singh and Karam Singh were apprehended alleging to be in conscious possession of 230 kgs. of poppy husk. While in police custody, they are stated to have made disclosure naming Daljit Singh @ Jeet and Jaspal Singh @ Maman. Both of whom have been granted bail by this Court vide order dated 21.07.2023/10.08.2023 passed in **CRM-M-33890-2023/CRM-M-31966-2023** observing as under:-

“xx xx xx

3. Counsel for the petitioner submits that the

2023:PHHC:158159

petitioner was nominated on the disclosure made by co-accused Narender Singh who was apprehended along with the contraband. As per the disclosure, part of the contraband was to be delivered to the petitioner. Counsel relies upon **Tofan Singh vs. State of Tamil Nadu, (2021) 4 SCC 1** to submit that the extra judicial confession of Narender Singh being a weak piece of evidence cannot be read to drive-home guilt of the petitioner. Apart from that counsel relies upon order dated 21st of July, 2023 passed in CRM-M No.33890 whereby co-accused namely Daljit Singh @ Jeet stands admitted to bail.

4. State Counsel does not dispute the aforesaid factual assertions based on record.

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

6. Without commenting on the merits of the case, keeping in view the law laid down by the Apex Court in the case of Tofan Singh's case (supra), 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. 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 similar to the one alleged in the present case.

2023:PHHC:158159

(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 cell-phone number without permission of the trial Court.

(vii) The petitioner shall not in any manner try to delay the trial.

7. 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.

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

3. Counsel submits that once the accused namely Daljit Singh @ Jeet and Jaspal Singh @ Maman have been granted bail relying upon dictum of law laid down in *Tofan Singh vs. State of Tamil Nadu* reported as (2021) 4 SCC 1, the petitioner being better placed would be entitled to parity.

4. State counsel has opposed the bail plea of the petitioner on the ground that the petitioner is a habitual offender and has two more cases pending against him under NDPS Act. However, he is not in a position to deny the fact that Daljit Singh @ Jeet and Jaspal Singh @ Maman have been granted bail and in this matter apart from the disclosure made by them, there is no other incriminating evidence against the petitioner. Challan already stands presented. Investigation stands concluded. Most of the witnesses being official witnesses, there cannot be any apprehension that the petitioner shall tamper with the evidence.

2023:PHHC:158159

5. In view of above, without commenting on the merit of the case and keeping in view the parity, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned. 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 cell-phone number without permission of the trial Court.
- (vii) The petitioner shall not in any manner try to delay the trial.

6. 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.

7. Ordered accordingly.

(PANKAJ JAIN)  
JUDGE

11.12.2023  
Dinesh

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| Whether speaking/reasoned : | Yes |
| Whether Reportable :        | No  |