

208 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-62603-2023
Date of decision : 21.12.2023

VIKRAMPetitioner

Versus

STATE OF HARYANARespondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Amit Singla, Advocate
for the petitioner.

Mr. A.K. Sehrawat, DAG, Haryana.

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.3, dated 02.01.2022 registered for the offences punishable under Sections 15-B/27-A of the Narcotic Drugs and Psychotropic Substances Act 1985 and Section 201 of the Indian Penal Code, at Police Station Sadar Tohana, District Fatehabad.

2. As per prosecution one Hari Singh was apprehended with 19 kgs of *poppy husk*. He disclosed the name of the petitioner in his disclosure during interrogation. The petitioner was nominated on the basis of disclosure and is in custody since 8th of April, 2023.

3. It is not disputed that the main accused Hari Singh stands admitted to bail.

4. Counsel for the petitioner further relies upon **Tofan Singh vs.**

State of Tamil Nadu, (2021) 4 SCC 1 to submit that apart from disclosure there is no incriminating against the petitioner and that sole statement of co-accused that too while in police custody cannot be relied upon.

5. Having heard rival contentions and after carefully gone through records of the case, without commenting on the merits of the case, keeping in view the evidence collected against the petitioner and in view of dictum of law laid down in **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.

6. 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.

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.

December 21, 2023		(Pankaj Jain)
Dpr		Judge
Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No