



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

211

CRM-M-3327-2024
Date of decision : 21.05.2024

Amandeep Jethi Petitioner

versus

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. J.S. Dadwal, Advocate
for the petitioner.

Mr. Jaswinder Singh Arora, DAG, Punjab
with ASI Gulshan Kumar.

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.249 dated 09.10.2022, registered for the offences punishable under Sections 21 and 29 of NDPS Act, 1985 (Sections 21-B, 21-C, 25, 27, 31 of NDPS Act and Section 473 of IPC, 1860 added later on) at Police Station STF, Phase-4, Mohali.
2. As per the case of the prosecution, one Parminder Singh @ Gaggi was apprehended and found to be in possession of 50 gms of heroin. He further nominated the present petitioner.
3. Counsel for the petitioner submits that the petitioner is behind bars for more than 11 months by now and apart from the disclosure made by co-accused while in police custody, there is no incriminating evidence. As per ratio of law laid down in *Tofan Singh*

2024:PHHC:072000



vs. State of Tamil Nadu reported as *(2021) 4 SCC 1*, disclosure made by co-accused while in police custody alone cannot suffice to drive home guilt of the petitioner. Further submits that co-accused Parminder Singh @ Gaggu stands admitted to bail vide order dated 27.07.2023 passed in CRM-M-450-2023.

4. Investigation stands concluded, challan stands presented and most of the witnesses are official. Till now, none out of 12 cited witnesses could be examined and thus trial is not likely to conclude in the near future.

5. State counsel does not dispute the aforesaid assertions made by counsel for the petitioner but submits that the petitioner is a habitual offender having multiple cases against him under NDPS Act. However, he does not dispute that in the present case apart from the disclosure of the co-accused, there is no other incriminating evidence against the petitioner.

6. In view of above, 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.

2024:PHHC:072000



- (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.

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. Ordered accordingly.

(PANKAJ JAIN)
JUDGE

21.05.2024
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No