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

CRM-M-3822-2024**Date of Decision:30.01.2024**

Taranjit Singh @ Taran Kumar @ Billa

...Petitioner

VS.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S. Shekhawat**Present :** Mr. Harkirat Singh Bhogal, Advocate
for the petitioner.

Mr.M.S.Bajwa, Deputy Advocate General, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail to him in case FIR No.91 dated 26.08.2023 registered under Section 22 and 29 of NDPS Act, at Police Station Haryana, District Hoshiarpur.

2 Learned counsel for the petitioner contends that the petitioner was not named in the FIR nor there is any averment in the FIR, which even remotely connects the petitioner with the alleged crime. Even as per case of the prosecution, 260 grams of heroin was recovered from Vivek, co-accused. During the course of investigation, Vivek, main accused had suffered a disclosure statement and on the basis of the same, the petitioner was nominated as an accused in the present case. Learned counsel further contends that no recovery was effected from the present petitioner and except the disclosure statement suffered by co-accused, there is no other evidence against the

petitioner. The petitioner was arrested in the present case on 10.10.2023 and is in custody for the last more than 3 months. He further contends that two more cases were registered against the petitioner but he is on bail in both the cases.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that there are serious allegations against the petitioner and does not deserve the concession of bail.

4. I have heard learned counsel for the parties and perused the record.

5. The petitioner is in custody since 10.10.2023 and no recovery has been effected from him. Even the petitioner has been nominated as an accused on the basis of the disclosure statement suffered by his co-accused.

6. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned, subject to the following conditions:-

- (i) *The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.*
- (ii) *The petitioner shall remain present before the Court on the dates fixed for hearing of the case.*
- (iii) *The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.*
- (iv) *The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.*
- (v) *The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of*

place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.

- (vi) In case, the petitioner involves in any other criminal activity, during the pendency of the trial, it shall be viewed seriously and the prosecution shall be at liberty to move a petition for cancellation of bail granted to him.*
- (vii) The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bail bonds and surety bonds of the petitioner.*
- (viii) The petitioner shall report every 1st Monday of English calander month before the concerned SHO till the conclusion of the trial and SHO shall mark his presence by making an entry in the rojnamcha. In case, he does not report on every 1st Monday before the concerned SHO, it shall be viewed seriously and the concession granted to him shall be liable to be cancelled and the State of Punjab shall be at liberty to move an appropriate application in this regard.*

30.01.2024
hemlata

(N.S.SHEKHAWAT)
JUDGE

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