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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-5463-2024
Date of decision : 02.04.2024

INDERJEET SINGH @ INDERJIT SINGHPetitioner

Versus

STATE OF PUNJABRespondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Munish Raj Chaudhary, Advocate
for the petitioner.

Mr. Mohit Kapoor, Sr. DAG, Punjab.

PANKAJ JAIN, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail in case F.I.R. No.0140 dated 06.09.2023 registered for the offence punishable under Section 22 of NDPS Act and Section 25 of Arms Act, Section 29 NDPS Act (added later on) at Police Station Dhanaula, District Barnala.

2. As per the prosecution 4 persons namely Manpreet Singh, Kuldeep Singh, Harpreet Singh son of Nirmal Singh and Harpreet Singh son of Baldev Singh were apprehended on 06.09.2023 and were found to be in conscious possession of loose intoxicant tablets, 1050 nos., one country made pistol, 315 bore and two live cartridges, 8 MM K.F. and were booked in the present FIR. It has been further claimed that during interrogation the

aforesaid culprits named one Jagjit Singh and Inderjeet Singh @ Inderjit Singh, the present petitioner. On the basis of the disclosure made by them, the petitioner was nominated invoking Section 29 of the NDPS Act.

3. Learned counsel for the petitioner submits that no recovery has been made from the present petitioner. He petitioner is behind bars for more than 6 months and 25 days. Petitioner has been nominated merely on the basis of disclosure. Further reliance is being placed upon law laid down by Apex Court in the case of **Tofan Singh Vs. State of Tamil Nadu, (2021) 4 SCC 1** to contend that such disclosure made by co-accused while in police custody alone can not yoke the petitioner to the present offence and apart from the said disclosure there being no other evidence against the petitioner, therefore, the petitioner would be entitled for grant of regular bail.

4. Learned State counsel admits that apart from the disclosure made by co-accused, there is no other evidence as on date against the petitioner.

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

6. Without commenting on the merits of the case and considering the incarceration suffered by the petitioner, the present petition is allowed. The petitioner is ordered to be released on 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.

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 herein shall not be construed to be an opinion on the merits of the case.

April 02, 2024		(Pankaj Jain)
Dpr		Judge
Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No