



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

CRM-M-6857-2024

Date of Decision: 06.08.2024

Tarsem Singh @ Sema

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Prateek Pandit, 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 in case FIR No.54 dated 25.04.2021 registered under Sections 21(C), 25, 29 of NDPS Act, 1985, at Police Station Special Task Force, SAS Nagar, Mohali.

2. Learned counsel for the petitioner contends that the petitioner has been falsely involved in the present case at the instance of certain police officials. He further contends that the petitioner was not initially named in the FIR and has been involved on the basis of the disclosure statement made by co-accused. He further contends that the petitioner was in custody in some other case since 08.04.2021 pertaining to the same police station and has been falsely involved in the present case. He further contends that in the present case, the police had allegedly conducted raid at the house of Manjit Kaur and the recovery was made from there. However, Manjit Kaur has not been arrayed as an accused in the present case. Learned counsel has further referred to the order



dated 05.12.2023 (Annexure P-2) titled as Karam Singh @ Kama Vs. State of Punjab, whereby similarly placed co-accused Karam Singh @ Kama has been granted the concession of bail. Learned counsel further contends that the petitioner was arrested in the present case on 07.05.2021 and is in custody for the last about 03 years and 03 months. The prosecution has been able to examine only 02 witnesses so far, out of total 22 witnesses and the trial has been unreasonably delayed before the trial Court.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that serious allegations have been levelled against the present petitioner and he does not deserve the concession of bail by this Court.

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

5. It is not in dispute that the petitioner is in custody in the present case since 07.05.2021 i.e. for the last more than 03 years and 02 months. Further, the prosecution has been able to examine only two witnesses, out of total 22 witnesses so far. Apart from that, his co-accused, namely, Karam Singh @ Kama has already been granted the concession of bail by this Court vide order dated 05.12.2023 (Annexure P-2).

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.*
- (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 bails bonds and surety bonds of the petitioner.*

06.08.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

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