

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

234

CRM-M-13021 of 2024
Date of Decision:19.03.2024

Sahil

....Petitioner

Versus

State of Punjab

.....Respondents

CORAM: HON’BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Satnam Singh Thakur, Advocate,
for the petitioner.

Mr. Mohit Kapoor, Sr. DAG, Punjab

PANKAN JAIN, J. (Oral)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.145 dated 12.07.2023, registered under Section 21-C/29/61/85 of the NDPS Act and 25-54-59 of the Arms Act, at Police Station Division Number 8, District Jalandhar.
2. One Saurav Kumar was apprehended on the basis of suspicion by the police party. Upon his search, 510 grams of heroin was recovered alongwith one country made pistol of 32 bore and 5 live cartridges. It is claimed that during the course of investigation, Saurav Kumar suffered

disclosure statement claiming that the heroin was given to him by the present petitioner i.e. Sahil and one Deepu.

3. Learned counsel for the petitioner submits that the petitioner is behind the bars more than 8 months and 6 days and has clean antecedents. He further submits that the *challan* already stands presented and most of the witnesses are official witnesses and thus there is no apprehension that they shall temper with the evidence. He further relies a judgment of the Supreme Court in Tofan Singh versus State of Tamil Nadu 2021 (1) RCR (Criminal) 1 to submit that the disclosure statement made by a co-accused while he was in police custody alone does not derive to bring home the guilt of the accused.

4. Custody Certificate of the petitioner has been filed today in Court. The same is taken on record.

5. State Counsel is not in position to dispute the factual assertions made by counsel for the petitioner based on record.

6. Without commenting on the merits of the case and the fact that the investigation already stands concluded and Challan stands presented, 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.

7. 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.
8. 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.
9. Pending applications, if any, also stand disposed of.

(PANKAN JAIN)
JUDGE

March 19, 2024
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Whether speaking	:	Yes
Whether reportable	:	No

