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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-18339-2024
Date of decision : 22.04.2024

Francis Nawali Petitioner

versus

State of Haryana Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Angrej Singh Sarwara, Advocate
for the petitioner.

Mr. Ashok Kumar Sehrawat, DAG, Haryana.

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.621 dated 10.11.2022, registered for the offences punishable under Sections 21 and 29 of NDPS Act, 1985 and Section 14 of Foreigners Act, 1976 at Police Station Pinjore, District Panchkula.

2. As per the case of the prosecution, two persons namely Gurjinder Singh and Manish Sharma were apprehended and found to be in possession of heroin weighing about 10 gms. each. It is claimed that both of them suffered disclosure nominating the petitioner as the source of contraband. Petitioner is behind bars since 19.09.2023. Challan already stands presented. Apart from the aforesaid disclosure made by co-accused, there is no incriminating evidence against the petitioner. Further relies upon *Tofan Singh vs. State of Tamil Nadu* reported as (2021) 4 SCC 1, to contend that mere disclosure extracted from the co-

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accused while they are in police custody alone cannot suffice to drive home guilt of the petitioner.

3. State counsel is not in a position to dispute the aforestated factual assertions. However, submits that the petitioner is not citizen of India and thus fright risk is high.

4. Faced with the situation, counsel for the petitioner submits that in order to allay the aforesaid fears, the petitioner is ready to deposit a sum of Rs.1 lakh as a surety and undertakes to appear before trial Court regularly.

5. In view of above, 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.
- (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.

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- (vii) The petitioner shall not in any manner try to delay the trial.
- (viii) The petitioner shall deposit a sum of Rs.1 lakh as a surety and undertakes to appear before trial Court regularly. Amount of Rs.1 lakh shall be refunded to the petitioner on the conclusion of the trial.

6. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

22.04.2024
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Whether speaking/reasoned :	Yes
Whether Reportable :	No