

CRM-M-18862-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-18862-2024
Reserved on: 02.05.2024
Decided on: 22.05.2024

Inderjeet Singh @ Indri ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Rahul Arora, Advocate for the petitioner.

Mr. M.S. Longia, Addl. AG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
10	28.03.2023	Intelligence Wingh (CID) State Special Operations Cell Fazilka, District Fazilka	15, 18, 21, 22 & 29 of NDPS Act (Sections 7, 13A of PC Act and 52A of Prison Act & 27 of NDPS Act added later on)

1. The petitioner incarcerated in the FIR captioned above has come up before this Court under Section 439 CrPC seeking bail.
2. In paragraph 16 of the bail petition, the accused declares the following criminal antecedents:

Sr. No.	FIR No.	Date/year	Offences	Police Station
1	69	2019	15, 18, 22, 29 of NDPS Act	Kulgari, District Ferozepur
2	15	27.04.2023	15-C, 25, 29 of NDPS Act	SSOC, Fazilka
3	10	2019	21, 29 of NDPS Act	Mallanwala, District Ferozepur

3. Prosecution’s case is being taken from the reply dated 01.05.2024 filed by the concerned DySP, which reads as follows:

“That in compliance to the order dated 25.04.2024, it is most respectfully submitted that FIR No.10 dated 28.03.2023 under Sections 15, 18, 21, 22, 27-A, 29 of NDPS Act and later on added Sections 7/13-A of P.C. Act and Section 52-A of Prison Act and

Section 27 NDPS Act, was registered in Police Station SSOC, Fazilka at the instance of SI Davinder Kumar, No.5097/INT on the averments that as per secret information received by the complainant, it was informed to him that accused Raj Kumar along with Sonu Tiddi and Amrik Singh, who were lodged in Central Jail, Ferozepur in different cases registered under NDPS Act, had formed a gang and were running a Drug racket from inside the Jail premises. It was further informed that Neeru Bala wife of Raj Kumar and Geetanjali wife of Sonu Tiddi were also accomplices in the said Drug racket. The amount generated from illegal sale of these Narcotics were paid via UPI payment system that later linked to accounts of Neeru Bala and Geetanjali. It was further informed that if Raj Kumar, Sonu Tiddi and Amrik Singh were joined in investigation and interrogated, a huge drug racket running in the Jail premises could be busted. It was further informed that the involvement of the Jail officials in this racket could also be unearthed. Finding the information to be trustworthy, the present FIR was registered under Sections 15, 18, 21, 22, 27(A), 29 of NDPS Act.

2. That during custodial interrogation, accused Raj Kumar suffered disclosure statement, whereby he stated that the younger brother of his wife, Neeru Bala i.e. Gaurav was lodged in Central Jail Firozpur in some other case from year 2017 till August 2023. He further stated that there he came in contact with Gurvinder @ Cylinder and Amrik Singh son of Ghasita Singh as they were also lodged in Central Jail Firozpur in some other case. He further disclosed that he himself was lodged in Central Jail Firozpur in year 2021 and during that time he along with Gurvinder and Amrik Singh had been dealing with smuggling of drugs inside the jail premises. He further disclosed that after some time Gaurav and Gurvinder @ cylinder were released on bail. They were having good relations with the drug smuggler. During the period they remained in custody at jail premises, Firozpur, they used to deal with the drugs and used to receive payment on Google pay through mobile phone of Neeru Bala wife of Raj Kumar on mobile phone No.9041439630. Consequently Amrik Singh, resident of Amritsar, Gurvinder @ Cylinder and Gaurav were nominated in this case vide DDR No.20 dated 7.11.2023. After nomination of above said accused in this FIR, Amrik Singh was arrested on 09.11.2023. During interrogation, he disclosed that he remained in custody at Central Jail Firozpur from July 2018, till October 2021. He further stated that petitioner Inderjeet Singh @ Indri and Sucha were already lodged in Central Jail Firozpur. There he came in their contact. They used to supply heroin in the jail premises in connivance with the jail officials. He further disclosed that the heroin used to be supplied in various barracks. The mobile phone was got arranged by Sucha from Gaurav Dhingra, who was running a mobile shop at Firozpur. The payment of the heroin

smuggled inside the jail premises used to be got deposited in the account of Gaurav Dhingra through above said mobile phone. It was further disclosed that in year 2019 in month of October, Assistant Jail Superintendent Kashmir Singh conducted checking of Jail barracks and a mobile phone make Samsung was recovered from him. However, Kashmir Singh Assistant Jail Superintendent did not register any FIR against him on the promise that he would pay an amount of 4000/-. Consequently, the said amount was got paid by him through his brother, Lakhwinder Singh. The said amount was paid at a tea shop, situated opposite to the Central Jail Ferozpur. Again, in year 2020 checking of Jail premises was conducted by Rajinder Kumar @ Shaktiman and a mobile phone make Samsung was recovered from Amrik Singh in Barrack no.4 of the Jail. He also agreed not to register any FIR against him on the promise that he will pay him 5000/-. The said amount was paid through brother of Rahul to Sohan Singh and Sohan Singh further paid the said amount at the tea stall situated opposite to the jail premises. Similarly, Assistant Jail Superintendent Nirpal Singh also recovered a mobile phone and he also did not register any FIR against him by taking an amount of Rs.6000/- from Rahul which were also paid on the same tea stall. On the basis of above said disclosure statement, Assistant Jail Superintendent Kashmir Chand, Rajinder Kumar and Nirpal Singh, along with Sucha, Gaurav Dhingra and petitioner Inderjeet Singh @ Indri were nominated in this case and offence under section 7/13 of P.C. Act were enhanced vide DDR No.26 dated 25.12.2023.

3. That during further investigation in this case, Raj Kumar alias Raja son of Faqir Chand again Joined the investigation and disclosed/admitted that during the period when he was lodged in Central Jail Ferozpur, he came in contact with Gaurav son of Channa and Gurwinder Singh alias Cylinder, Amrik Singh son of Surjit Singh alias Ghasita Singh r/o Gali No.2, Near Vishavkarma Mandir, Kot Khalsa District Shri Muktsar Sahib, who had good relations with the jail officials namely Hawaldar Nachattar Singh, Warder Naib Singh, Assistant Jail Superintendent Gurtej Singh. They helped the prisoners in doing these illegal activities in the jail premises by taking ill-gotten money from them for the sale of these narcotic substances. Thus, on the basis of the statement of Raj Kumar, Hawaldar Nachattar Singh, Warder Naib Singh, and Assistant Jail Superintendent Gurtej Singh were nominated as an accused vide DDR No.22 dated 28.12.2023.

4. That petitioner Inderjeet Singh alias Indri son of Buta Singh r/o Ward No.11, Mallanwala, District Ferozpur was lodged in Central Jail Ferozpur from dated 26.05.2020 to 12.07.2022 in case FIR No.15 dated 27.04.2023 PS: SSOC Fazilka under NDPS Act and got on production warrants on 27.12.2023. However, in the interrogation of accused/petitioner Inderjeet Singh alias Indri, he

has disclosed that when he was confined in Central Jail Ferozepur, he came in contact with Sonu Tiddi son of Mahesh Singh, Amrik Singh son of Surjit Singh, Gaurav alias Gora, Sucha son of Bahadar, who were indulging in selling narcotics in the Jail premises. Petitioner Inderjeet Singh further disclosed that Assistant Superintendent Kashmir Chand, Jail Warder Gurmeet Singh Sodhi and Dr. Sashi Bhushan, who were posted in the Ferozepur Jail also helped them in doing such illegal activities and handed over the narcotics when they used to reach on duty from outside, for supplying the same in the Jail premises. Petitioner Inderjeet Singh further disclosed that he handed over the said narcotics to Raj Kumar alias Raja son of Faqir Chand, who used to further sell the same to the prisoners. Petitioner Inderjeet Singh further disclosed that in order to get these illegal facilities in the jail premises, they used to pay Rs.5000/- per month per person to aforesaid Sucha through Google Pay/Paytm/cash etc. and Sucha further used to distribute the ill-gotten amount to the Jail officials i.e. Assistant Superintendent Kashmir Chand, Assistant Superintendent Gurtej Singh, Head Warder Balkar Singh, Head Warder Surjit Singh alias Sarpanch. Thus, on the basis of the said disclosure statements Dr. Shashi Bhushan, Head Warder Surjit Singh alias Sarpanch, Head Warder Balkar Singh and Jail Warder Gurmeet Singh Sodhi have been nominated as an accused vide DDR No.23 dated 28.12.2023.

5. That it is further submitted that on 05.01.2024 vide DDR No.25, Jagsir Singh son of Mukhtiar Singh R/o Shatir Wala Distt. Fazilka was nominated in the above said case FIR after receiving the Technical Input/ Report, which reveals that the SIM No.75081-91363 was registered in the name of Lakhwinder Kaur Wife of Mukhtiar Singh R/o Shatir Wala Distt. Fazilka (who is mother of above said Jagsir Singh). Later, on dated 06.01.2024, above said Jagsir Singh was arrested, who confessed that the above said SIM was brought inside jail by him through human cavity when his mother came to meet him in the jail.

6. That it is further submitted that on 10.02.2024, one of the accused Lakhwinder Singh son of Surjeet Singh son of Natha Singh R/o Kutli Mor, Near Dera Baba Bhuman Shah, Guruharsahai Distt. Ferozepur was arrested in above said case and later led to recovery of 50 Gram Heroin. On dated 11.02.2024, Varinder Singh son of Raj Singh resident of Fatte Wala Hithar PS Mamdot District Ferozepur and Samar Singh @Samri son of Surjeet Singh R/o Maste Ke PS Arif Ke Distt. Ferozepur were nominated in above said case vide DDR No.30 dated 11.02.2024 on the statement of Nitish Manhas son of Anil Kumar resident of Sardulpur Kalota PS Mukerian Distrcit Hoshiyarpur (One of the receiver of Money from the bank account of Neeru Bala, who disclosed that he received that money on the directions of above said Varinder Singh and Samar Singh @ Samri. On dated 14.02.2024, accused Samar Singh

@ Samri son of Surjeet Singh R/o Maste Ke PS Arif Ke Distt. Ferozepur has been arrested in the said case FIR and Rs.50000/- Drug money was recovered from him. It is worth to submit that on dated 22.02.2024, initial challan U/s 173 Cr.P.C. was submitted before the learned Trial Court under Sections 15/18/21/22/27/27A/29/61/85 NDPS ACT, 7/13-A P.C. Act (as Amended 2018) and 52A of Prison Act against the petitioner Inderjeet Singh @ Inder son of Boota Singh R/o Basti Bishan Singh Wali PS Mallanwala Distt. Ferozepur and other co-accused namely Balkar Singh Head Warden Jail (Retired) son of Late Baj Singh R/o Mallwal Qadim, PS Kulgarhi, Distt. Ferozepur, Surjeet Singh Jail Warden (Retired) son of Darshan Singh R/o Basti Bhane Wali Dakhli Maste Ke PS Arif Ke Distt. Ferozepur, Gourav Dhingra son of Vijay Dhindra R/o # 49/24, Street No.01, Tahli Muhalla Ferozepur (Mobile Shop, Near Bagi Gate), Neeru Bala W/o Raj Kumar alias Raju R/o Machhi Mandi, PS City Ferozepur Distt. Ferozepur, Raj Kumar alias Raju son of Fakir Chand R/o Machhi Mandi, PS City Ferozepur Distt. Ferozepur, Sonu Tidi son of Mahesh Singh R/o Prem Nagar Block No.626 Near Convent School, PS Cantt. Ferozepur, Amrik Singh son of Jarnail Singh R/o Palla Megha PS Sadar Ferozepur Distt. Ferozepur, Gourav @ Gora s/o Channa R/o Guruharshai Distt. Ferozepur, Gurwinder @ Silander son of Surjeet Singh R/o Guruharshai Distt. Ferozepur, Amrik Singh son of Ghaseeta Singh R/o Street No. 02, Near Wishav Karma Mandir, Kot Khalsa, Distt. Amritsar Sahib (Currently living at Village Siddan, PS Lopo ke, Distt. Amritsar Sahib), Kashmir Chand Malohtra Assistant Superintendent Jail (Retired) son of Late Parkash Chand Malohtra R / o Village Hassan Dhat, PS Sadar, Ferozepur Currently living at Shanti Nagar, Near Ram Asharm Ferozepur, Nirpal Singh Assistant Superintendent Jail (Retired) son of Late Rajpal son of Late Gopal Das R/o Darshan Colony Near Vill. Ablowal, #52B, PS City Patiala, Distt. Patiala, Gurtej Singh Assistant Superintendent son of Joginder Singh R / o Talwandi Bhangeria, PS Mehna, Distt. Moga, Nachhatar Singh Chakkar Head Constable son of Surjeet Singh R/o Ratta Thehra Distt. Fazilka, Naib Singh @ Naib Singh son of Nar Singh R/o Killian Wali, PS Khuian Sarver, Teh. Abohar Distt. Fazilka, presently residing at Street No.1, Sidhu Nagari Abohar, Distt. Fazilka, Rajinder Sharma @ Shaktiman (Assistant Superintendent Jail) son of Harbans Lal R/o #537, Azad Nagar, Near Kalgidhar Guruduara Sahib, City FZR, Distt. FZR, Rahul son of Lal Chand R/o Ali Ke, Baasi Gate, City Ferozepur, Jagsir Singh son of Mukhtiar Singh R/o Shatir Wala Distt. Fazilka, Lakhwinder Singh son of Surjeet Singh son of Natha Singh R/o Kutli Mor, Near Dera Baba Bhuman Shah, Guruharsahai Distt. Ferozepur, Samar Singh @ Samri son of Surjeet Singh R/o Maste Ke, PS Arif Ke, Distt. Ferozepur and Gurmeet Singh Sodhi Jail Warden S/o Tarlok Singh R/o House No.44, Bharat Nagar, Street Sodiya Wali, Khai Road City Ferozepur.

7. That petitioner Inderjeet Singh @ Indri was arrested in this case

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on 27.12.2023 and thereafter he was produced before the learned trial Court and his police remand was obtained.”

4. Petitioner's counsel submits that the petitioner has been nominated in the present FIR vide Rapat No. 26 dated 25.12.2023 and thereafter the petitioner who was already in judicial custody was arrested in the present case on 26.12.2023. The name of the petitioner cropped up during the course of investigation and during custodial interrogation of co-accused Amrik Singh. Pertinently petitioner has no role in the present case, he has been nominated in this case only on the basis of disclosure statement of co-accused which is not admissible in evidence. There is nothing to be recovered from petitioner and Challan in the present case already stand presented. He further submits that in the aforementioned facts and circumstances no case even prima facie exists against the petitioner and it is an admitted fact that the name of the petitioner was not mentioned in the original FIR, it was only after 9 months that his name was nominated as an accused on the disclosure statement of one of the co-accused. Even in the disclosure statement the allegations against the petitioner are that he has actively participated in the crime along with co-accused Gaurav Dhingra and Raj kumar @ Raja. Pertinently the aforesaid accused have been granted regular and anticipatory bail respectively by this Hon'ble court vide orders dated 18.03.2024 and 02.04.2024 (Annexure P-4 & Annexure P-5). It is also submitted that no specific instance has been given nor any amount of money has been alleged to be given by specific person. The entire case is based on the string of disclosure statement which is very weak type of evidence and it is settled law that disclosure statement is not admissible in evidence. Counsel also submits that the petitioner is in custody since 26.12.2023 and during police remand no recovery was effected from the petitioner and moreover no recovery is to be effected and petitioner is confined behind the bars without commission of any alleged offence. Even from the reply filed by the State in Paragraph No. 4, the stand of the petitioner as taken in the bail application is admitted by the State with regard to the fact that the name of the petitioner has been incorporated in the case only on the basis of disclosure statement and there is no recovery from the petitioner.

5. Petitioner's counsel prays for bail by imposing any stringent conditions and states that they would have no objection to the conditions, i.e., surrender of weapons, and is also voluntarily agreeable to the condition that till the conclusion of the trial, the petitioner shall keep only one mobile number, which is mentioned in AADHAR card, if any, and within fifteen days undertakes to disconnect all other mobile numbers. The petitioner contends that the further pre-trial incarceration would cause an irreversible injustice to the petitioner and family.

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6. The state's counsel opposes the bail and states that considering the allegations, the petitioner is not entitled to any bail. The State's counsel further contends that given the criminal past, the accused is likely to indulge in crime once released on bail.

7. In *Maulana Mohd Amir Rashadi v. State of U.P.*, (2012) 3 SCC 382, Hon'ble Supreme Court holds,

[10] It is not in dispute and highlighted that the second respondent is a sitting Member of Parliament facing several criminal cases. It is also not in dispute that most of the cases ended in acquittal for want of proper witnesses or pending trial. As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc.

8. While considering each bail petition of the accused with a criminal history, it throws an onerous responsibility upon the Courts to act judiciously with reasonableness because arbitrariness is the antithesis of law. The criminal history must be of cases where the accused was convicted, including the suspended sentences and all pending First Information Reports, wherein the bail petitioner stands arraigned as an accused. In reckoning the number of cases as criminal history, the prosecutions resulting in acquittal or discharge, or when Courts quashed the FIR; the prosecution stands withdrawn, or prosecution filed a closure report; cannot be included. Although crime is to be despised and not the criminal, yet for a recidivist, the contours of a playing field are marshy, and graver the criminal history, slushier the puddles.

REASONING:

9. As per custody certificate dated 01.05.2024, the petitioner in the present case, is in custody since 02.01.2024. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage, subject to the compliance of terms and conditions mentioned in this order. Thus, the previous criminal history of the petitioner is not being considered strictly at this stage as a factor for denying bail.

10. In *Sanjay Chandra v. Central Bureau of Investigation*, (2012) 1 SCC 40, Supreme Court holds,

[28] We are conscious of the fact that the accused are charged with economic offences of huge magnitude. We are also conscious of the fact that the offences alleged, if proved, may jeopardize the economy of the country. At the same time, we cannot lose sight of

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the fact that the investigating agency has already completed investigation and the charge sheet is already filed before the Special Judge, CBI, New Delhi. Therefore, their presence in the custody may not be necessary for further investigation. We are of the view that the appellants are entitled to the grant of bail pending trial on stringent conditions in order to allay the apprehension expressed by CBI.

11. The possibility of the accused influencing the investigation, tampering with evidence, intimidating witnesses, and the likelihood of fleeing justice, can be taken care of by imposing elaborate and stringent conditions. In *Sushila Aggarwal v. State (NCT of Delhi)*, **2020:INSC:106 [Para 92]**, (2020) 5 SCC 1, Para 92, the Constitutional Bench held that unusually, subject to the evidence produced, the Courts can impose restrictive conditions.

12. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail, subject to the following terms and conditions, which shall be over and above and irrespective of the contents of the form of bail bonds in chapter XXXIII of CrPC, 1973.

13. In *Madhu Tanwar. v. State of Punjab*, **2023:PHHC:077618 [Para 10, 21]**, CRM-M-27097-2023, decided on 29-05-2023, this court observed,

[10] The exponential growth in technology and artificial intelligence has transformed identification techniques remarkably. Voice, gait, and facial recognition are incredibly sophisticated and pervasive. Impersonation, as we know it traditionally, has virtually become impossible. Thus, the remedy lies that whenever a judge or an officer believes that the accused might be a flight risk or has a history of fleeing from justice, then in such cases, appropriate conditions can be inserted that all the expenditure that shall be incurred to trace them, shall be recovered from such person, and the State shall have a lien over their assets to make good the loss.

[21] In this era when the knowledge revolution has just begun, to keep pace with exponential and unimaginable changes the technology has brought to human lives, it is only fitting that the dependence of the accused on surety is minimized by giving alternative options. Furthermore, there should be no insistence to provide permanent addresses when people either do not have permanent abodes or intend to re-locate.

14. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above, in the following terms:

(a). Petitioner to furnish personal bond of Rs. Ten thousand (INR 10,000/); AND

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(b) To give one surety of Rs. Twenty-five thousand (INR 25,000/-), to the satisfaction of the concerned investigator/court, and in case of non-availability, to any nearest Ilqa Magistrate/duty Magistrate. Before accepting the surety, the concerned officer/court must satisfy that if the accused fails to appear in court, then such surety can produce the accused before the court.

OR

(b). Petitioner to hand over to the concerned investigator/court a fixed deposit for Rs. Ten thousand only (INR 10,000/-), with the clause of automatic renewal of the principal and the interest reverting to the linked account, made in favor of the ‘Chief Judicial Magistrate’ of the concerned district, or blocking the aforesaid amount in favour of the concerned ‘Chief Judicial Magistrate’. Said fixed deposit or blocking funds can be from any of the banks where the stake of the State is more than 50% or from any of the well-established and stable private sector banks. In case the bankers are not willing to make a Fixed Deposit in such eventuality it shall be permissible for the petitioner to prepare an account payee demand draft favouring concerned Chief Judicial Magistrate for a similar amount.

(c). Such court shall have a lien over the funds until the case's closure or discharged by substitution, or up to the expiry of the period mentioned under S. 437-A CrPC, 1973, and at that stage, subject to the proceedings under S. 446 CrPC, the entire amount of fixed deposit, less taxes if any, shall be endorsed/returned to the depositor.

(d). The petitioner is to also execute a bond for attendance in the concerned court(s) as and when asked to do so. The presentation of the personal bond shall be deemed acceptance of the declarations made in the bail petition and all other stipulations, terms, and conditions of section 438(2) of the Code of Criminal Procedure, 1973, and of this bail order.

(e). While furnishing personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number, (If available), when the court attesting the bonds thinks appropriate or considers the accused as a flight risk.	

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3.	Mobile number (If available)	
4.	E-Mail id (If available)	

15. The petitioner shall not influence, browbeat, pressurize, make any inducement, threat, or promise, directly or indirectly, to the witnesses, the Police officials, or any other person acquainted with the facts and the circumstances of the case, to dissuade them from disclosing such facts to the Police, or the Court, or to tamper with the evidence.

16. Petitioner to comply with their undertaking made in the bail petition, made before this court through counsel as reflected at the beginning of this order. If the petitioner fails to comply with any of such undertakings, then on this ground alone, the bail might be canceled, and the victim/complainant may file any such application for the cancellation of bail, and the State shall file the said application.

17. The petitioner is directed not to keep more than one prepaid SIM, i.e., one pre-paid mobile phone number, till the conclusion of the trial; however, this restriction is only on prepaid SIMs [mobile numbers] and not on post-paid connections or landline numbers. The petitioner must comply with this condition within fifteen days of release from prison. The concerned DySP shall also direct all the telecom service providers to deactivate all prepaid SIM cards and prepaid mobile numbers issued to the petitioner, except the one that is mentioned as the primary number/ default number linked with the AADHAAR card and further that till the no objection from the concerned SHO, the mobile service providers shall not issue second pre-paid SIM/ mobile number in the petitioner’s name. Since, as on date, in India, there are only four prominent mobile service providers, namely BSNL, Airtel, Vodafone-Idea, and Reliance Jio, any other telecom service provider are directed to comply with the directions of the concerned Superintendent of Police/Commissioner of Police, issued in this regard and disable all prepaid mobile phone numbers issued in the name of the petitioner, except the main number/default number linked with AADHAR, by taking such information from the petitioner’s AADHAR details or any other source, for which they shall be legally entitled by this order. This condition shall continue till the completion of the trial or closure of the case, whichever is earlier. In Vernon v. The State of Maharashtra, 2023 INSC 655, [para 45], while granting bail under Unlawful Activities (Prevention) Act, 2002, Supreme Court had directed imposition of the similar condition, which reads as follows, “(d) Both the appellants shall use only one Mobile Phone each, during the time they remain on bail and shall inform the Investigating Officer of the NIA, their respective mobile

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numbers.”

18. Given the nature of allegations and the other circumstances peculiar to this case, the petitioner shall surrender all weapons, firearms, ammunition, if any, along with the arms license to the concerned authority within fifteen days from release from prison and inform the investigator about the compliance. However, subject to the Indian Arms Act 1959, the petitioner shall be entitled to renew and take it back in case of acquittal in this case, provided otherwise permissible in the concerned rules. Restricting firearms would instill confidence in the victim(s), their families, and society; it would also restrain the accused from influencing the witnesses and repeating the offence.

19. During the trial's pendency, if the petitioner repeats or commits any offence where the sentence prescribed is more than seven years or violates any condition as stipulated in this order, it shall always be permissible to the respondent to apply for cancellation of this bail. It shall further be open for any investigating agency to bring it to the notice of the Court seized of the subsequent application that the accused was earlier cautioned not to indulge in criminal activities. Otherwise, the bail bonds shall remain in force throughout the trial and after that in Section 437-A of the Cr.P.C., if not canceled due to non-appearance or breach of conditions.

20. The conditions mentioned above imposed by this Court are to endeavour that the accused tries to reform, does not repeat the offence and to provide an opportunity to the victim to consider legal remedies for recovery of the amount. In Mohammed Zubair v. State of NCT of Delhi, **2022:INSC:735 [Para 28]**, Writ Petition (Criminal) No 279 of 2022, Para 29, decided on July 20, 2022, A Three-Judge bench of Hon’ble Supreme Court holds that “The bail conditions imposed by the Court must not only have a nexus to the purpose that they seek to serve but must also be proportional to the purpose of imposing them. The courts, while imposing bail conditions, must balance the liberty of the accused and the necessity of a fair trial. While doing so, conditions that would result in the deprivation of rights and liberties must be eschewed.”

21. Any Advocate for the petitioner and the Officer in whose presence the petitioner puts signatures on personal bonds shall explain all conditions of this bail order in any language that the petitioner understands.

22. If the petitioner finds bail condition(s) as violating fundamental, human, or other rights, or causing difficulty due to any situation, then for modification of such term(s), the petitioner may file a reasoned application before this Court, and after taking cognizance, even to the Court taking cognizance or the trial Court, as the case may be,

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and such Court shall also be competent to modify or delete any condition.

23. Any observation made hereinabove is neither an expression of opinion on the merits of the case nor shall the trial Court advert to these comments.

24. In return for the protection from incarceration, the Court believes that the accused shall also reciprocate through desirable behavior.

25. *There would be no need for a certified copy of this order for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. In case the attesting officer wants to verify the authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.*

Petition allowed in aforesaid terms. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

22.05.2024
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Whether speaking/reasoned:	Yes
Whether reportable:	No.