



CRM-M-27749-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-27749-2024

Decided on : 03.07.2024

Imtiaz Ahmed

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present : Mr. Vipin Mahajan, Advocate for the petitioner

Mr. Vinay Kumar, DAG, Punjab.

KIRTI SINGH, J. (Oral)

1. This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 139 dated 27.07.2023 registered under Sections 21(C), 27-A, 25, 29 of the NDPS Act, 1985 and Section 25 of Arms Act, 1959 (added later on) at Police Station Dinanagar, District Gurdaspur, Punjab.

2. Learned counsel for the petitioner submits that the petitioner is identically situated co-accused as Fyaz Ahmed Hajam, Mukhtiar Ahmed and Nafis Ahmed @ Nafees Mughal, who have been granted regular bail by this Court vide order dated 11.03.2024 passed in CRM-M-61278, CRM-M-9738-2024 and vide order dated 10.04.2024 passed in CRM-M-16706-2024 respectively. Thus, on the principle of parity the petitioner may also be granted regular bail. Learned counsel further submits that there is no other case pending against the petitioner.

3. Custody certificate dated 02.07.2024 has been filed in Court today. The same is taken on record. A perusal thereof shows that the petitioner has undergone actual custody of 10 months and 14 days and there is no other criminal case pending/decided against him.

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4. Per contra learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner and submits that he actually participated in the commission of the alleged crime and is not entitled to the concession of bail.

5. The veracity of the allegations levelled against the petitioner shall be established during the course of the trial.

6. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate. The petitioner shall also abide by the following conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/intimidate the prosecution witness(s).
- (iii) The petitioner will appear before the trial Court on the date fixed, unless personal presence is exempted.
- (iv) The petitioner shall not commit an offence similar to the offence of which he is accused of, or for commission of which he is suspected.
- (v) 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 from disclosing such facts to the Court or to any police officer or tamper with the evidence.

7. In case of breach of any of the above conditions, the prosecution shall be at liberty to move an application for cancellation of bail before this Court.



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8. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

03.07.2024
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(KIRTI SINGH)
JUDGE

Whether speaking/reasoned? Yes/No
Whether reportable? Yes/No