

2024:P-IHC:000001



**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

Sr. No.210

CRM-M-32076-2024(O&M)
Date of decision : 12.07.2024

Amandeep Singh @ Pamma

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Ms. Kamlesh, Advocate, for the petitioner.

Mr. Vinay Kumar, DAG, Punjab.

KIRTI SINGH, J. (Oral)

This petition under Section 439 Cr.P.C. has been filed for grant of regular bail to the petitioner in case FIR No.0021 dated 01.03.2023, under Section 15 of NDPS Act, registered at Police Station Sandaur, District Malerkotla.

2. Learned counsel for the petitioner *inter alia* contends that it is alleged that there is a recovery of 80 kg. poppy husk from the petitioner and co-accused. She further submits that the petitioner has been falsely implicated in this case merely on the basis of secret information. She also submits that the petitioner is not involved in any other criminal case. She places reliance upon an order dated 30.01.2023 passed by a Coordinate Bench of this Court in CRM-M-51938-2021 titled as Mohd. Sharif Vs. State of Punjab. Thus, the petitioner may be granted the concession of regular bail.

3. *Per contra*, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. He states that the

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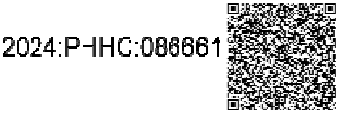
filed custody certificate in Court today and the same is taken on record. As per custody certificate, the petitioner has undergone actual custody of 01 year, 04 months and 07 days. He on instructions from the concerned investigation officer submits that out of a total of 19 prosecution witnesses, only 01 prosecution witness has been examined till date and the next date of hearing before the learned trial Court is 15.07.2024. He further submits that in view of the serious allegations against the petitioner, he is not entitled to the concession of regular bail.

4. Heard.

5. The veracity of the allegations leveled against the petitioner shall be established during the course of the trial. Considering the fact that the petitioner has undergone actual custody of 01 year, 04 months and 07 days and there is no other criminal case pending against him and that out of total 19 prosecution witnesses, only 01 prosecution witness has been examined till date and that the petitioner is not a habitual offender, this Court is of the view that the petitioner be granted the concession of regular bail.

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.
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.
9.

Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)

JUDGE

12.07.2024

Ramandeep Singh

Whether speaking / reasoned

Yes/No

Whether Reportable

Yes/No