



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

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**CRM-M-34299-2024
Decided on :13.08.2024**

JATINDER SINGH ALIAS KAKA

. . . Petitioner(s)

Versus

STATE OF PUNJAB

. . . Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

PRESENT: Mr. Yashpal Thakur, Advocate
for the petitioner(s).

Mr. Vinay Kumar, DAG, Punjab.

KIRTI SINGH, J. (Oral)

The jurisdiction of this Court under Section 439 Cr.P.C. has been invoked for grant of regular bail to the petitioner in case FIR No.107 dated 12.12.2023 under Sections 22-C of NDPS Act registered at Police Station Badali Ala Singh, District Fatehgarh Sahib.

2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case and was allegedly apprehended by the police party on suspicion. He further submits that on 12.12.2023 at about 6:50 pm, the petitioner who was riding motorcycle was apprehended by the police party on suspicion and allegedly 1020 intoxicants tablets were recovered from the right pocket of the petitioner. He further submits that the petitioner is suffering from 90 % disability on the right hand and has placed on record the disability certificate of petitioner. It is also contended that in view of his right hand disability, it is highly improbable for him to be apprehended on a motorcycle, thus the story is fabricated and false. The petitioner has undergone an actual custody of 07 months and 29 days and is not involved in any other case under NDPS Act.

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3. Learned State counsel has filed the custody certificate dated 12.08.2024 in Court today, which is taken on record. As per custody certificate, the petitioner has undergone an actual custody of 07 months and 29 days and there is no case registered against him under NDPS Act. Moreover, on instructions from ASI Baljinder Singh, he submits that charges are framed on 24.07.2024. The next date fixed before trial Court is 29.08.2024. He also submits that out of total 15 prosecution witnesses, none has been examined till date. However, 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 levelled against the petitioner shall be established during the course of the trial. The petitioner has undergone an actual custody of 07 months and 29 days and is not involved in any other case under NDPS Act. Out of 15 prosecution witnesses, none has been examined till date. The trial of the case will take considerable time and no useful purpose will be served by detaining the accused in custody.

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



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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 her 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.

(KIRTI SINGH)
JUDGE

13.08.2024

Kavita Nain

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No