



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-54827-2023
Decided on : 24.07.2024

RAJ BALI @ CHHATTU

. . . Petitioner(s)

Versus

STATE OF PUNJAB

. . . Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

PRESENT: Mr. Ruhani Chadha, Advocate and
Mr. Kashav Chadha, Advocate
for the petitioner(s).

Mr. Randhir Singh Thind, DAG, Punjab.

KIRTI SINGH, J. (Oral)

By way of this petition filed under Section 439 Cr.P.C., the petitioner seeks grant of regular bail in case FIR No.0069 dated 07.07.2023 under Sections 21/22/61 of the NDPS Act, registered at Police Station Sadar Pathankot, District Pathankot.

2. Learned counsel for the petitioner submits that allegedly there was a recovery of 250 grams of heroin from the bag lying on the shoulder of the petitioner. He further submits that petitioner has been falsely implicated in this case and there are two other cases registered against the petitioner under NDPS Act. In one case, he is on bail and both the cases are of non-commercial quantity. He further submits that co-accused Sher Ali @ Sheru has been granted concession of regular bail by this Court vide order dated 08.11.2023 passed in CRM—M-54824-2023.

3. Lastly, the learned counsel for the petitioner has placed reliance upon the judgment passed by this Court rendered in the case of **“Lakhwinder Singh @ Lakhu Vs State of Punjab (CRM-M-16325-2024 (O&M); “Balwinder Singh @ Ghaint Vs. State of Punjab” (CRM-M-21745-2023 (O&M))”**.



4. *Per contra*, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. He has filed status report dated 22.07.2024 and custody certificate dated 23.07.2024 in Court today and the same is taken on record. As per custody certificate, the petitioner has undergone actual custody of 01 year and 13 days. He on instructions from the concerned investigation officer submits that charges were framed on 09.11.2023 and out of a total of 12 prosecution witnesses, only two have been examined till date. The next date of hearing before the learned trial Court is 07.08.2024. He however, contends 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. Admittedly, charges have been framed and out of 12 prosecution witnesses, only two have been examined and co-accused has also been granted concession of regular bail. The petitioner has undergone actual custody of 01 year and 13 days and further incarceration of the petitioner would not serve any purpose.

6. Accordingly, 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.

(KIRTI SINGH)
JUDGE

July,24 2024

Kavita Nain

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