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

Sr. No.212

**CRM-M-63952-2023(O&M)
Date of decision : 25.07.2024**

Gurpreet Singh

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Jatinderpal Singh, Advocate, for the petitioner.

Mr. Gaurav Bansal, DAG, Haryana.

KIRTI SINGH, J. (Oral)

By way of present petition filed under Section 439 prayer has been made for grant of regular bail to the petitioner in case FIR No.57 dated 08.03.2020, under Sections 22(c)/61/85 of the NDPA Act, 1985, registered at Police Station Kalanwali, District Sirsa.

2. Learned counsel for the petitioner *inter alia* submits that allegedly, there was a recovery of 2500 tablets containing salt of 'Tramadol Hydrochloride' from the petitioner. He further submits that the petitioner has been falsely implicated in this case and he is a man of clean antecedents as there is no other criminal case registered against him. The co-accused, namely, Krishan Singh has been granted the concession of anticipatory bail by a Coordinate Bench of this Court vide order dated 07.08.2020 passed in CRM-M-12445-2020 (Annexure P14). The petitioner has undergone actual custody of 02 years, 08 months and 27 days, thus, he 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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petitioner was actively involved in the commission of the offence. He has filed custody certificate in Court today and the same is taken on record. As per custody certificate, the petitioner has undergone actual custody of 02 years, 08 months and 27 days. He however, 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. Admittedly, the petitioner has undergone actual custody of 02 years, 08 months and 27 days and there is no other criminal case registered against him. Therefore, this Court is of the view that further incarceration of the petitioner would not serve any purpose.

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.

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(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.

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

(KIRTI SINGH)
JUDGE

25.07.2024
Ramandeep Singh

Whether speaking / reasoned

Yes/No

Whether Reportable

Yes/No