

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM No.M-8574 of 2016 (O&M)

Date of decision:- April 27, 2016

Gulshan Kumar

.....Petitioner...

Vs.

State of Haryana

....Respondent...

CORAM:- HON'BLE MR. JUSTICE JASPAL SINGH

Present:- Mr. Sanjay Malik, Advocate,
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

JASPAL SINGH, J.

CRM No. 8108 of 2016

Allowed as prayed for.

Main case

Instant petition has been preferred by Gulshan Kumar, under Section 439 of the Code of Criminal Procedure (for brevity, 'Cr.P.C.'), seeking bail, pending trial, in case FIR No. 24, dated 20.01.2015, under Sections 20 & 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985, Sections 420, 468, 471 and 120-B IPC and Sections 13 & 14 of Foreigners Act, 1946, at Police Station Sector 5, Panchkula.

2. Shortly put, the case of prosecution is that when Shishey Malik r/o Nigeria was arrested and accosted in this case, he disclosed the name of Izu Maxwell as one of his cronies. Thereafter, Izu Maxwell was subjected to interrogation and he allegedly disclosed that he was supplied the SIMs of Reliance company by Gulshan Kumar and Rahul Sharma. It was only, thereafter, Gulshan Kumar and Rahul Kumar were arrested in this case. Investigation in this case is complete and the report under Section 173 (2) Cr.P.C. has already been presented in the Court of Id. Jurisdictional Magistrate. Now, the petitioner is facing the trial along with other accused. So far, only 2 witnesses could have been examined by the prosecution, out of the total 18 witnesses, depicted in the list of witnesses. No recovery of any incriminating article except of one alleged SIM of reliance company has been effected from the petitioner. Moreover, no evidence could be collected by the investigating agency that the SIM alleged to have been recovered from the possession of the petitioner in any way is either connected with Shishey Malik or Izu Maxwell. Moreover, disposal of the challan is not likely in the near future as the prosecution has to examine the various witnesses in support of its case. The petitioner is cooling his heels behind the bars since the date of his arrest i.e. 06.02.2015. There is also no other case of this nature or of any other nature against the petitioner.

3. Taking into consideration the aforesaid aspect but without expressing any opinion on the merits of the case, petition is allowed and petitioner is ordered to be released on bail, during pendency of

trial, subject to his furnishing requisite bail bonds, at the satisfaction of trial court/Duty Magistrate.

April 27, 2016
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(JASPAL SINGH)
JUDGE