

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

208

CRM-M 33499 of 2022

Date of Decision: 08.12.2022

Nand Kumar

.....*Petitioner*

Versus

State of Haryana

.....*Respondent*

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH.

Present: Ms. Kanika Ahuja, Advocate and
Ms. Amrita, Advocate, for the petitioner.
Mr. Karan Sharma, DAG, Haryana.

GURBIR SINGH, J (ORAL)

Petitioner has filed the present petition *inter alia* praying for grant of regular bail in case FIR No.232 dated 18.06.2021, under Sections 15, 18 and 25 of NDPS Act (later added Section 27A and 29 of NDPS Act), registered at Police Station Madhuban, District Karnal, Haryana.

Reply by way of affidavit of Manoj Kumar, HPS, Deputy Superintendent of Police, Gharaunda, District Karnal, on behalf of respondent-State, filed in the Court is taken on record.

Brief facts are that police acting on a secret information on 18.06.2021 checked truck bearing registration No.HR58A-9824. The truck was driven by Rajat and the occupants of truck were Kuldeep Singh and Gurmeet Singh. From the truck 128 kgs of Doda-post and 7 kg and 530 grams of Opium were recovered. On 18.06.2021 a disclosure statement was made by the accused that narcotic recovered were to be supplied to one Jassi. On 22.06.2021 another disclosure statement was made that narcotic was to be delivered to Sukhwinder Singh @ Jassi.

On 18.06.2021 accused Rajat while in custody made a disclosure statement that he knew accused Nand Kumar, he used to take meals at his hotel whenever he visited that site. Accused Kuldeep Singh went at Shivam Hotel of Nand Kumar at Gumla Road and after some time Nand Kumar and Kuldeep Singh brought 8 bags of poppy straw and 7kg.530 grams of opium in Bolero and loaded the same in truck.

Learned counsel for the petitioner states that the petitioner was named only in disclosure statement of the co-accused who was in custody. The petitioner is in custody since 29.05.2022. Co-accused, Sukhwinder Singh who was also named in the disclosure statement has already been released on bail vide CRM-M-44800 of 2021 passed by this Court.

Learned State counsel has vehemently opposed the prayer for grant of bail to the petitioner. It is submitted that the petitioner had loaded the recovered contraband in the truck. She has submitted that challan is presented in this case and the case is pending trial.

In view of the above, without commenting anything on the merits of the case and considering that no recovery has been effected from the petitioner and that he is nominated in this case only on disclosure statement of the co-accused who is in custody and also the fact that conclusion of the trial will take sufficient time, in my opinion, no useful purpose would be served by detaining the petitioner behind bars any further. The petition, as such, is allowed. Petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned.

If any attempt whatsoever is made by the petitioner to contact/threaten/intimidate any member of the complainant's family (also

the family of the petitioner), the complainant/State shall be at liberty to move an application for cancellation of bail granted vide this order.

December 08, 2022
 jyoti3

(GURBIR SINGH)
JUDGE

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