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2023:PHHC:154087

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-47335-2023 In/and
CRM-M-25598-2023
Date of Decision:04.12.2023

Ram Lakhan @ Lakhan

...Petitioner

vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Naveen Kumar Kuhad, Advocate
for the petitioner.

Ms. Sheenu Sura, Deputy Advocate General, Haryana.

N.S.Shekhawat J. (Oral)

CRM-47335-2023

Allowed as prayed for, subject to just all exceptions.

Main case

1. The petitioner has filed the instant petition under Section 439 Cr.PC with a prayer to grant regular bail in case FIR No. 728 dated 21.09.2022, registered under Sections 20/27-A of NDPS Act Police Station Hansi City, Hisar, District Hisar(Annexure P-1).
2. As per the case of the prosecution, an accused Sattu was arrested while he was allegedly carrying 2.30 Kgs of Charas. Sattu was arrested on 21.09.2022 and is in custody since then. As per the prosecution, Sattu suffered a disclosure statement and named the present petitioner as a supplier of the contraband to him. The petitioner was arrested on 22.09.2022.

3. Learned counsel for the petitioner submits that pursuant to the disclosure statement suffered by co-accused, the petitioner was ordered to be arrested on 22.09.2022 and is in custody for more than one year and two months. He further contends that except the disclosure statement suffered by the co-accused, there is no other evidence against him. Learned counsel further contends that one more case i.e. FIR No.426 dated 14.08.2022 under Sections 20-C/61/85 of NDPS Act, Police Station Narnaund, Hansi was also ordered to be registered against the present petitioner, whereas, there was no any kind of recovery was effected from the present petitioner in the said case also. Thus, the petitioner has been falsely involved in both the cases.

3. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that the serious allegations have been levelled against the present petitioner and the petitioner does not deserve the concession of bail.

4. I have heard the learned counsel for the parties and perused the record.

5. In the present case, Sattu co-accused has been arrested while he was carrying 2.30 Kgs of Charas without any permit or license. However, there was no recovery from the present petitioner. Even in the other case i.e FIR No.426 dated 14.08.2022 under Sections 20-C/61/85 of NDPS Act, Police Station Narnaund, Hansi, where the petitioner was also arrested in the said case; no recovery was effected from the present petitioner. The petitioner is continuing in custody for the last more than 01 year and 02 months and his further detention will not serve any meaningful purpose.

6. Without commenting on the merits of the case, the present petition

is allowed. The petitioner is ordered to be released on bail pending trial on his furnishing bail bonds and surety to the satisfaction of the concerned trial Court/ Duty Magistrate/Chief Judicial Magistrate subject to the following conditions:-

(i) 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 to disclose such facts to the Court or to any other authority.

(ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.

(iii) The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.

(iv) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.

(v) The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.

(vi) In case, the petitioner is involved in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.

(vii) The concerned Court may insist on two heavy local sureties

and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.

(viii) The petitioner shall report every 1st Monday of English calender month before the concerned SHO till the conclusion of the trial and SHO shall mark his presence by making an entry in the Rojnamcha.

7. In case, the petitioner violates any of the conditions mentioned above, it shall be viewed seriously and the concession of bail granted to him shall be liable to be cancelled and the prosecution shall be at liberty to move an application in this regard.

04.12.2023
hitesh

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No