

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

224

CRM-M-29668-2023(O&M)

Date of decision: 09.10.2023

Ravi Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Sarfaraj Anjum Mor, Advocate for the petitioner

Mr. Baljinder Singh Virk, Sr. DAG, Haryana.

AMAN CHAUDHARY, J.

1. Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.257 dated 10.05.2022 registered under Sections 22(c), 29, 61 and 85 of NDPS Act, at Police Station Saran, District Faridabad.

2. Learned counsel contends that the petitioner is in custody for 1 year and about 5 months, after having been arrested on 11.05.2022. His name surfaced based on the disclosure statement of co-accused-Rajesh Kumar, from whom commercial quantity of contraband was recovered. However, no recovery was effected from the petitioner. He is unconnected to the aforesaid co-accused and has been falsely implicated in the case. Charges were framed on 20.04.2023 and out of 14 prosecution witnesses, none has been examined. The petitioner is not involved in any other case under the NDPS Act. He relies on the order passed by Co-ordinate Bench of this Court in **Sandeep Kumar @ Gogi vs. State of Haryana** in CRM-M-24505-2022 decided on 07.12.2022, wherein the accused, who was implicated on the basis of

disclosure statement and no recovery had been effected from him, was granted bail, after being in custody for almost 9 months.

3. Learned State counsel opposes the bail on the ground that the petitioner is stated to have supplied the contraband as per the disclosure statement of co-accused Rajesh Kumar, who is in custody and commercial quantity of contraband was recovered from the said co-accused, who was apprehended at the spot. He is however unable to controvert the submissions made regarding the custody, stage of the case and petitioner being not involved in any other case under the NDPS Act.

4. Heard.

5. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for last 1 year and about 5 months; no recovery has been effected from him; not involved in any other case under the NDPS Act; charges were framed on 20.04.2023 and there a total of 14 prosecution witnesses, out of whom, none has been examined so far; the trial is likely to take a considerable time, the trial is likely to take a considerable time, thus his further incarceration would not serve any useful purpose, the present petition for grant of regular bail deserves to be allowed.

6. As a result, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned and subject to his not being required in any other case. The petitioner shall 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 witnesses.

- (iii) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
- (iv) The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.
- (v) The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
- (vi) The petitioner shall not in any manner misuse his liberty.
- (vii) The petitioner shall furnish his address and mobile number to the Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the petitioner seeks to change any of the aforesaid, the same shall be done only with prior intimation to the learned Trial Court, stating the reason for the same.
- (viii) The petitioner shall not leave the country without prior permission of the trial Court.
- (ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.

7. It is made abundantly clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

8. In view of the above, it is clarified that the observations made herein are limited for the purpose of present proceedings and would not be construed as an opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

(AMAN CHAUDHARY)
JUDGE

09.10.2023
ashok

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No