

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

CRM-M-41006-2023

Date of decision : 28.08.2023

RAHUL KUMAR @ PINIA

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. S.K. Bishnoi, Advocate
for the petitioner.

Mr. Amit Shukla, AAG, Punjab.

PANKAJ JAIN, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.72 dated 15.07.2022 registered for the offences punishable under Sections 15, 61 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') and Section 25 of the NDPS Act added later on at Police Station Bahav Wala, District Fazilka, Punjab.

2. Custody Certificate of the petitioner has been filed today in the Court. The same is taken on record.

3. Counsel for the petitioner submits that the petitioner was neither apprehended from the spot nor any recovery has been made from him. He has been nominated in the disclosure made by Swaran Singh. The petitioner has not been booked under Section 29 of the NDPS Act. He is behind bars for more than 5 months and 7 days. Challan already stands

presented and there can't be any apprehension that the petitioner shall tamper with the evidence. Apart therefrom counsel for the petitioner submits that the petitioner has no criminal antecedents and has never been involved in any criminal activity.

4. State Counsel is not in position to dispute the aforesaid factual assertions made by counsel for the petitioner which are based on record.

5. I have heard counsel for the parties and have gone through records of the case.

6. Without commenting on the merits of the case, keeping in view the incarceration already suffered by the petitioner and the fact that the investigation already stands concluded and Challan stands presented, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

7. However, in addition to conditions that may be imposed by the Trial Court/Duty Magistrate concerned, the petitioner shall remain bound by the following conditions :-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence oral or documentary during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence similar to the one alleged in the present case.
- (v) The petitioner shall deposit his passport, if any

with the trial Court.

- (vi) The petitioner shall give his cellphone number to the police authorities and shall not change his cellphone number without permission of the trial Court.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by the Trial Court, the prosecution shall be at liberty to move cancellation of bail of the petitioner.

August 28, 2023
Dpr

(Pankaj Jain)
Judge

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No