

214

2023:PHHC:112520

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

Date of decision : 28.08.2023

214

CRM-M-53212-2022

Chandan Kumar

....Petitioner

Versus

State of Punjab

...Respondent

CRM-M-3896-2023

Munna Kumar

....Petitioner

Versus

State of Punjab

...Respondent

220

CRM-M-20611-2023

Arvind Kumar

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Kuldeep S. Saini, Advocate
(in CRM-M-53212-2022);
Ms. Manpreet Ghuman, Advocate
(in CRM-M-3896-2023) and
Mr. Sahil Vashisht, Advocate
(in CRM-M-20611-2023)
for the petitioner(s).

Mr. Amit Shukla, AAG, Punjab.

PANKAJ JAIN, J. (ORAL)

By way of these three petitions the petitioners pray for grant of
regular bail in case FIR No.231 dated 28th of September, 2022 registered for
the offences punishable under Sections 15/61/85 of the NDPS Act, 1985, at

Police Station Gobindgarh Mandi, District Fatehgarh Sahib.

2. Custody Certificates of the petitioners have been placed on record today in Court. Same are taken on record.

3. As per the case of the prosecution, 52 kilograms of *poppy husk* was recovered from the the Auto owned by Chandan Kumar, driven by Munna Kumar and Arvind Kumar was travelling sitting on the back seat of the Auto.

4. State Counsel does not dispute that so far as petitioners Arvind Kumar and Munna Kumar are concerned, they have clean antecedents and there is no other case pending against them. So far as Chandan Kumar is concerned he is facing two more cases under the NDPS Act.

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

6. The conscious possession of the contraband is serious disputed question in the present matter keeping in view that the Auto was a Public Carrier. However, in view of the incarceration already suffered by petitioners namely Munna Kumar and Arvind Kumar, which is about 11 months as on date and the fact that investigation already stands concluded coupled with the fact that Munna Kumar and Arvind Kumar have clean antecedents, the petitions i.e. CRM-M-3896-2023 and CRM-M-20611-2023 are allowed. The petitioners namely Munna Kumar and Arvind Kumar are ordered to be released on bail on their 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 petitioners Munna Kumar and Arvind Kumar shall remain bound by the following conditions :-

- (i) The petitioners shall not mis-use the liberty granted.
- (ii) The petitioners shall not tamper with any evidence oral or documentary during the trial.
- (iii) The petitioners shall not absent himself on any date before the trial.
- (iv) The petitioners shall not commit any offence similar to the one alleged in the present case.
- (v) The petitioners shall deposit their passports, if any with the trial Court.
- (vi) The petitioners shall give their cellphone numbers to the police authorities and shall not change their cell-phone numbers without permission of the trial Court.
- (vii) The petitioners 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 petitioners.

9. So far as petitioner Chandan Kumar is concerned, Mr. Kuldeep Singh Saini, Advocate prays for withdrawal of the petition at this stage.

10. Ordered accordingly.

- 11. CRM-M-53212-2022 stands dismissed as withdrawn.
- 12. Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.
- 13. A copy of this order be kept on the files of other connected cases.

August 28, 2023		(Pankaj Jain)
Dpr		Judge
Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No