

S. No.225

2023:PHHC:160329

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

CRM-M-52067 of 2023

Date of Decision:14.12.2023

Pawan Kumar Tiwari

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

**Present:- Ms. Amrita Garg, Advocate and Ms. Tejasvi Sheokand,
Advocate for the petitioner.**

Mr. Parveen Kumar Aggarwal, DAG, Haryana.

DEEPAK GUPTA, J. (Oral)

Reply by way of affidavit of Shri Pardeep Kumar, HPS, DSP Kurukshetra has been filed on behalf of the respondent- State, along with the custody certificate.

Allegations are that 3.100 Kgs of opium was recovered from the possession of co-accused Pankaj Kumar and Santosh Kumar on the basis of secret information on 23.06.2023. It is alleged that during disclosure statements, said Pankaj Kumar and Santosh Kumar Yadav nominated co-accused Deepak Kumar and the present petitioner – Pawan Kumar Tiwari. Petitioner – Pawan Kumar Tiwari is nominated to have financed to buy the contraband from co-accused Deepak Kumar.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated; that co-accused – Deepak Kumar has already been allowed bail by this Court vide order dated 08.12.2023 passed in CRM-M-58735 of 2023, copy of which has been placed on record. Learned counsel further

contends that no recovery was effected from the petitioner nor he is involved in any such other case and has clear antecedents.

Learned State Counsel could not refute the afore-said contentions to the effect that petitioner has no criminal antecedents and that no recovery was effected from him.

As per custody certificate placed on record, petitioner is in custody for the last 05 months and 16 days.

Co-accused Deepak Kumar has already been allowed bail by this Court vide order dated 08.12.2023 passed in CRM-M-58735 of 2023.

Having regard to the afore-said facts and circumstances of the case and that the trial may take time to conclude, but without commenting anything on the merits of the case, present petition is allowed. Petitioner is admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/ Duty Magistrate concerned, on usual terms and conditions.

December 14, 2023
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No