

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

219

CRM M-52332 of 2023

Date of Decision: 20.10.2023

Pushpa Bhujel

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Sanjay Verma, Advocate, for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant a regular bail in case FIR No.573 dated 16.08.2023 registered under Sections 18/18-B/27-A/61/85 of NDPS Act at Police Station Sadar Thanesar, District Kurukshetra.

2. As per the of the prosecution, at about 06 p.m., on 16.08.2023, police team headed by Mandeep Singh, Inspector was present in the Pipli Kurukshetra bridge in search of suspected persons and received a secret information that the truck driver of the vehicle bearing registration No. PB-11-CN-625 was carrying the contraband. On getting the information, the barricade was set up on the highway and at about 6.25 p.m., a truck was seen coming from the side of

Karnal. The truck was stopped and the name and address of the driver was disclosed as Yashpal son of Ammi Chand, resident of House No. 1068, Jagdeesh Colony, Ward No. 4, Old Rajpura, District Patiala, Punjab. After following the due process, the recovery of 20 kgs and 500 gms of opium was effected from Yashpal, truck driver.

3. Learned counsel for the petitioner contends that except the disclosure statement suffered by the co-accused there is no other evidence against the petitioner. He further contends that co-accused Jujhar Singh and Gurpreet Singh @ Goldy have already been granted the concession of bail by this Court vide order dated 21.09.2023 and 06.10.2023, respectively and except the disclosure statement suffered by the accused, there is no other evidence against the petitioner. He further contends that the petitioner was arrested in the present case on 23.08.2023 and is in custody since then. He further contends that the petitioner is the first offender and was never informed in any other criminal activity.

4. On the other hand, learned State counsel has vehemently opposed the prayer made by the learned counsel for the petitioner on the ground that the recovery of the contraband from the co-accused was commercial in nature.

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

6. From the submissions made by the learned counsel for the parties, it is apparent that the co-accused Jujhar Singh and Gurpeet Singh @ Goldy have already been granted the concession of bail by this Court and petitioner is almost similarly placed. Moreover, no recovery was effected from the present petitioner and she is a first offender.

7. In view of the above, without commenting any further on the merits, the present petition is allowed and the petitioner is ordered to be released on bail on her furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned 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 her 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 herself 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, she shall swear an affidavit to that effect.

(v) The petitioner shall also file his affidavit before the concerned Court, mentioning her ordinary place of residence and number of mobile phone, which shall be

used by her during the pendency of the trial. In case of change of place of residence/mobile number, she shall share the details with the concerned Court/learned Trial Court.

(vi) In case, the petitioner involved in any other criminal activity, during the pendency of the trial, it shall be viewed seriously and the prosecution shall be at liberty to move an appropriate application for cancellation of bail granted to the present petitioner.

(vii) The concerned Court may insist two heavy local surties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.

20.10.2023

(N.S.SHEKHAWAT)

amit rana

JUDGE

Whether reasoned/speaking

:

Yes/No

Whether reportable

:

Yes/No