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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-6738-2024
Date of decision : 15.02.2024

Gurlal @ Gurlal Singh Petitioner

versus

State of Haryana Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Pratham Sethi, Advocate
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana
with ASI Naresh Kumar.

PANKAJ JAIN, J. (Oral)

1. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.113 dated 07.03.2022, registered for the offence punishable under Section 15 of the NDPS Act, 1985 at Police Station City Mandi Dabwali, District Sirsa.
2. As per the case of the prosecution, one secret information was received that Richhpal Singh @ Ganga, Randeep Singh @ Kali, Ekbal Singh @ Titaru and Gurlal-the present petitioner are indulging in selling of poppy husk and they have brought huge quantify thereof which stands stashed in the house of Richhpal Singh @ Ganga. Believing the said information, premises was raided and 1220 kg poppy husk was seized from the house of Richhpal Singh @ Ganga. Two of the persons named in the secret information i.e. Randeep Singh @ Kali and Richhpal Singh @ Ganga were arrested from the spot. The

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petitioner as well as Ekbal Singh were not present on the spot. Randeep Singh @ Kali as well as Richhpal Singh @ Ganga have been granted concession of 167(2) of Cr.P.C. vide order dated 29.10.2022 passed in *CRR-1966-2022* as well as that in *CRR-1971-2022*. Further case of the prosecution is that the persons apprehended, named the present petitioner and thus apart from the disclosure suffered by the co-accused, secret information also indicts the present petitioner who is behind bars for more than 02 months and 20 days by now.

3. Counsel for the petitioner submits that neither there is any recovery from the petitioner nor the contraband has been recovered from his premises. Thus, there is nothing to yoke the present petitioner apart from the alleged secret information and the alleged disclosure made by co-accused. Main accused already stands admitted to bail, though by resorting to Section 167(2) of the Code. The petitioner has clean antecedents.

4. Keeping in view the fact that challan already stands presented, nature of evidence against the petitioner and the fact that no recovery has been made from him, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned. 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.

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- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (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 cell-phone number without permission of the trial Court.
- (vii) The petitioner shall not in any manner try to delay the trial.

5 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.

6. Ordered accordingly.

(PANKAJ JAIN)
JUDGE

15.02.2024
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No