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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

246

CRM-M-8334-2024
Date of decision : 21.02.2024

Dushyant Petitioner

versus

State of Haryana Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Mohan Singh Rana, Advocate
for the petitioner.

Mr. Ashok Kumar Sehrawat, DAG, Haryana.

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.270 dated 15.09.2023, registered for the offences punishable under Sections 15, 27A-61-85 of NDPS Act, 1985 at Police Station Safidon, District Jind.
2. As per the case of the prosecution, a secret information was received against one Satish s/o Kitaba Ram and his friend Malkinder Singh s/o Shobha Singh indulging in selling of poppy straw. The co-accused namely Satish was apprehended and was found to be in conscious possession of 50 kg. 300 gms. of poppy straw and another 40 kg of poppy straw is still to be recovered on his disclosure. It is in the disclosure of Satish that the name of the petitioner figured in. Petitioner is behind bars for more than 04 months and 27 days and has no other case under NDPS Act. Co-accused Satish already stands admitted to

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bail vide order dated 12.01.2024 passed in CRM-M-357-2024.

3. State counsel is not in a position to dispute that apart from the disclosure made by Satish, there is no incriminating evidence against the petitioner.

4. Counsel for the petitioner relies upon dictum of law laid down in *Tofan Singh vs. State of Tamil Nadu* reported as (2021) 4 SCC 1.

5. Without commenting on the merits of the case, keeping in view the incarceration and the nature of evidence against the petitioner, 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.
- (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.

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(vii) The petitioner shall not in any manner try to delay the trial.

6. 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.

7. Ordered accordingly.

(PANKAJ JAIN)
JUDGE

21.02.2024

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Whether speaking/reasoned : Yes

Whether Reportable : No