

CRM-M-8294-2024
CRM-M-11137-2024 (O&M)

2024:PHHC:045604
2024:PHHC:045606

229

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of decision : 04.04.2024

CRM-M-8294-2024

PURAN CHAND ALIAS CHANDPetitioner

Versus

STATE OF HARYANA ...Respondent
CRM-M-11137-2024 (O&M)

RAJ KUMARPetitioner

Versus

STATE OF HARYANA ...Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. J.S. Brar, Advocate and
Mr. Saurabh Dalal, Advocate
for the petitioner(s).

Mr. A.K. Sehrawat, DAG, Haryana.

PANKAJ JAIN, J. (ORAL)

Petitioners herein seek regular bail pending trial in case F.I.R.
No.348 dated 15.07.2023 registered for the offences punishable under
Sections 15 and 29 of Narcotic Drugs and Psychotropic Substances Act,
1985 at Police Station Parao, Ambala.

2. Custody Certificates of the petitioners have been filed today in
Court. The same are taken on record.

3. As per the prosecution a secret information was received w.r.t. the petitioners being in possession of *poppy husk* and travelling in the car. After barricading the petitioners were apprehended travelling in the car at around 06:25 p.m. They were apprised about their legal right as enumerated under Section 50 of the NDPS Act. Both the petitioners desired to be searched in the presence of the Gazetted Officer. It is further stated that the petitioners were taken to the residence of the Gazetted Officer where they were searched and the car was taken into custody at 7:45 p.m after search led to recovery of 100 kg. of *poppy husk*.

4. Counsel for the petitioners submits that it is a case of false implication. The petitioners were apprehended at 6:25 p.m. and up to 7:45 p.m the vehicle remained in the custody of police officials. Car was driven from the spot to the residence of the Gazetted Officer by SI Suraj Bhan whereas the petitioners were taken in police vehicle. Thus, planting of the contraband is evident. Petitioners are behind bars for more than 8 months and 9 days. Both of them have clean antecedents. Investigation stands concluded and challan stands presented. Most of the witnesses are official. Despite the fact that the petitioners are behind bars for more than 8 months charges have not been framed as yet.

5. State Counsel is not in position to dispute the factual assertions made by counsel for the petitioners based on record.

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

7. Without commenting on the merits of the case, keeping in view the incarceration already suffered by the petitioners and the fact that the investigation already stands concluded and Challan stands presented, the present petitions are allowed. The petitioners are ordered to be released on bail on their furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

8. However, in addition to conditions that may be imposed by the Trial Court/Duty Magistrate concerned, the petitioners 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 themselves on any date before the trial.
- (iv) The petitioners shall not commit any offence while on bail.
- (v) The petitioners shall deposit their passport, if any with the Trial Court.
- (vi) The petitioners shall give their cellphone number to the police authorities and shall not change their cell-phone number without permission of the Trial Court.
- (vii) The petitioners shall not in any manner try to delay the trial.

9. 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.
10. Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.
11. Pending application, if any, shall also stand disposed off.
12. A copy of this order be kept on the file of other connected case.

April 04, 2024
Dpr

Whether speaking/reasoned :
Whether reportable :

(Pankaj Jain)
Judge
Yes/No
Yes/No