

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

CRM-M No.18520 of 2023 (O&M)

Date of decision : 18.01.2024

Surender Kumar

..... Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. Harpreet S.Rakhra, Advocate
for the petitioner.

Mr. Ashok Kumar Sehrawat, DAG, Haryana

PANKAJ JAIN, J. (ORAL)

1 This petition has been filed under Section 439 Cr.P.C. for grant of regular bail in case F.I.R. No.549 dated 17.06.2022 registered under Sections 21(C), 22(C) of NDPS Act at Police Station Assandh, District Karnal.

2 Petitioner was named by Shamsher Singh who was found to be in conscious possession of contraband i.e Alprazolam Tablets IOP 0.5MG, Alprazole 0.5 Batch no.PCCAA899 MFG Date 02/2022 Expiry date 01/2025, 32 strips in each strip 60 tablets total 1920 Tablets, 2 Tramodal prolonged release tablets IP, Tramwel SR 100 Batch No PCCke 19 mfg date 09/2021 expiry date 08/2023-23 strip 10 tablets total 230 tablets, 3 tramadol capsuls ip Tramwel Batch No.PUUD 35 mfg date 05/2021 expiry date 04/2023, 68 strips one strip contain 10 capsuls total 680 on 17.06.2022.

3 Learned counsel for the petitioner submits that it is a matter of record that the petitioner was in custody in FIR No.186 dated 08.03.2022 registered for offences punishable under Sections 21 C/22 C & 29 of NDPS

Act at Police Station Assandh, Karnal and thus it is highly unbelievable that the co-accused who was apprehended on 17.06.2022, procured the contraband from him as is being claimed to have been stated in his disclosure statement. He further submits that even in the other case, the petitioner has been nominated on the disclosure made by co-accused.

4 Custody certificate has been filed. The same is taken on record. The petitioner is behind bars for 1 year, 3 months & 28 days. Though challan has been presented but despite considerable time having been passed, the charge has not been framed as yet.

5 Learned State counsel on instructions from Investigating Officer is not in a position to dispute the aforementioned factual assertions based on record.

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

7 Keeping in view the incarceration suffered by the petitioner and the fact that the challan already stands presented, the present petition is allowed. The petitioner is ordered to be released on 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.*
- (vii) The petitioner shall not in any manner try to delay the trial.*

8 Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

18.01.2024
Pooja sharma-I

Whether speaking/reasoned	Yes
Whether Reportable :	No