



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

229

CRM-M-24493-2024
Date of decision : 21.05.2024

Mohinder Singh @ Mahinder Singh Petitioner

versus

State of Haryana Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Jamshed Ahmed, Advocate for
Mr. Raman Chawla, 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.216 dated 13.03.2023, registered for the offences punishable under Sections 22-C, 29, 61 and 85 of the NDPS Act, 1985 at Police Station Sadar Karnal, District Karnal.
2. As per the case of the prosecution, one Kushal Pal @ Prince was apprehended and was found to be in possession of 1800 tablets of Alprazolam. Kushal Pal @ Prince is stated to have suffered disclosure naming the present petitioner as the source of contraband.
3. Counsel for the petitioner submits that apart from the disclosure made by co-accused while in police custody, there is no other incriminating evidence against the petitioner and in terms of law laid

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down by Hon'ble the Supreme Court in the case of *Tofan Singh vs. State of Tamil Nadu* reported as *(2021) 4 SCC 1*, the same is not sufficient to drive home guilt of the petitioner as the same has been opined by the Apex Court has to be a very weak evidence.

4. Custody certificate has been produced. The same is taken on record. As per the same, the petitioner has undergone more than 06 months and 22 days.

5. State counsel does not dispute that apart from the disclosure made by co-accused, there is no other incriminating evidence against the petitioner.

6. In view of above, 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

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his cell-phone number without permission of the trial Court.

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

7. 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.

8. Ordered accordingly.

(PANKAJ JAIN)
JUDGE

21.05.2024

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Whether speaking/reasoned : Yes

Whether Reportable : No