

CRM-M-30169-2024 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-30169-2024 (O&M)
Decided on : 02.07.2024

Nitesh

. . . Petitioner

Versus

State of Haryana

. . . Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present : Ms. Garima Sharma, Advocate (through Video Conferencing)
for the petitioner

Mr. Gaurav Bansal, DAG Haryana

KIRTI SINGH, J. (Oral)

1. This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 30 dated 02.02.2024 registered under Sections 15/29/27-A of NDPS Act at Police Station GRP, Ambala Cantt.
2. Learned counsel for the petitioner submits that the petitioner was apprehended on 02.02.2024 with the alleged recovery of 11 Kgs 936 gms of poppy husk, which is non-commercial quantity. There is no other case pending against the petitioner and he has already undergone actual custody of 04 months and 24 days. He further submits that the co-accused namely Karan @ Raju and Montu Parshad Yadav @ Manish have already been granted regular bail by the learned trial Court.
3. Learned State counsel on instruction submits that the challan was

presented on 03.04.2024 and charges have not yet been framed.

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4. As per custody certificate dated 01.07.2024, the petitioner has undergone an actual custody of 04 months and 24 days and there is no other case pending against him.

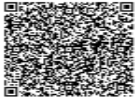
5. Heard.

6. Considering the facts and circumstances of this case and in view of fact that the trial is likely to take some time, the recovery effected from the petitioner is non-commercial and the co-accused have already been granted regular by the Court below, I do not find any reason to extend the incarceration of the petitioner any further.

7. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate. The petitioner shall also abide by the following conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/intimidate the prosecution witness(s).
- (iii) The petitioner will appear before the trial Court on the date fixed, unless personal presence is exempted.
- (iv) The petitioner shall not commit an offence similar to the offence of which he is accused of, or for commission of which he is suspected.
- (v) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

8. In case of breach of any of the above conditions, the prosecution shall be at liberty to move an application for cancellation of bail before this Court.



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9. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(KIRTI SINGH)
JUDGE

02.07.2024
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Whether speaking/reasoned? Yes/No
Whether reportable? Yes/No