

CRM-M-33432-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-33432-2024
Decided on : 20.08.2024

Devender
... Petitioner

Versus

State of Haryana
... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present : Mr. Devender Kumar, Advocate
for the petitioner

Mr. Gaurav Bansal, DAG Haryana

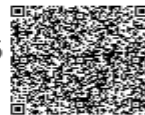
KIRTI SINGH, J. (Oral)

The jurisdiction of this Court under under Section 439 Cr.P.C. has been invoked for grant of regular bail to the petitioner in case FIR No.519 dated 26.12.2023 registered under Sections 22(b), 22(c) of the Narcotics Drugs and Psychotropic Substances Act, 1985 (Section 29 of NDPS Act added later on) at Police Station Gadpuri, District Palwal.

2. The facts in brief are that on 26.12.2023, police party headed by ASI Updesh was present in villlage Dhatir in connection with crime patrol duty, where a secret information was received that Jal Singh @ Jalle son of Virender indulges in the business of selling intoxicating medicines and he would be coming to village Dhatir while carrying medicines/injections on his motorcycle bearing No. HR 30 V 6257.

3. Learned counsel for the petitioner has submitted that the petitioner has

been falsely implicated in the present case and no recovery has been effected from



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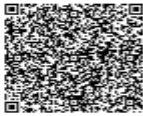
him. The petitioner was nominated as an accused on the basis of statement of co-accused. Allegedly, there was a recovery of 15 injections of Diazepam Injection I.P. 2 ml each and 15 injections of Buprenorphine injection of 2 ml each. He further submits that the petitioner has not been named in the FIR and he has already undergone an actual custody of 05 months and 26 days. Learned counsel submits that there is no other case registered against the petitioner.

4. Per contra, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. As per the custody certificate, the petitioner has undergone actual custody of 05 months and 26 days. Learned State counsel on instructions submits that charges in the present case were framed on 16.08.2024 and out of 14 prosecution witnesses, none has been examined till date and next date of hearing before the trial Court is 18.10.2024. He, however, submits that there are serious allegations against the petitioner as he was the supplier of the contraband which was recovered from the possession of co-accused Jal Singh @ Jily, therefore, the petitioner is not entitled to the concession of regular bail.

5. Heard.

6. The veracity of the allegations leveled against the petitioner shall be established during the course of the trial. Admittedly, charges have been framed on 16.08.2024 and out of 14 prosecution witnesses, none has been examined till date. The petitioner has undergone actual custody of 05 months and 26 days and he is not involved in any other criminal case.

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



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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.

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.

20.08.2024
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(KIRTI SINGH)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No