

220+222 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of decision:09.09.2024

(i) CRM-M-37149-2024

Manoharma @ Kalawati ...Petitioner

vs.

State of Haryana ...Respondent

(ii) CRM-M-42321-2024

Sunil @ Kala @ Sunil Kumar Bhandari ...Petitioner

vs.

State of Haryana ...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

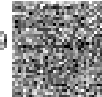
Present : Mr. Sahil Choudhary, Advocate
for the petitioner in CRM-M-37149-2024.

Mr. Akshay Kumar Dahiya, Advocate with
Mr. Deepak Dahiya, Advocate
for the petitioner in CRM-M-42321-2024.

Mr. Praveen Bhadu, Assistant Advocate General, Haryana.

N.S.Shekhawat J.

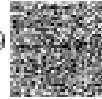
1. This order shall dispose of above-said two petitions i.e. CRM-M-37149-2024, titled as Manoharma @ Kalawati Vs. State of Haryana and CRM-M-42321-2024 titled as Sunil @ Kala @ Sunil Kumar Bhandari Vs. State of Haryana, whereby the petitioners have prayed for grant of regular bail to them in case FIR No. 37 dated 25.02.2024 registered under Sections 20, 29 of NDPS Act and Section 201 of IPC, at Police Station Madlauda, Panipat.



2. In the present case, the FIR was registered on the basis of the information received from a secret informer and the police had apprehended Daya Singh, the main accused, while he was carrying 1 kg 500 grams of charas in his conscious possession, without any permit or license.

3. Learned counsel for the petitioners submit that in the present case, Daya Singh suffered a disclosure statement that he had purchased *charas* from Attar Singh son of Ram Chander. Thereafter, Attar Singh was arrested in the present case and on 27.02.2024, he suffered a disclosure statement that he had purchased *charas* from Sunil @ Kala @ Sunil Kumar Bhandari. Later on, Sunil @ Kala @ Sunil Kumar Bhandari was also joined an investigation and he had stated that he had purchased *charas* from Manoharma @ Kalawati, the petitioner. Learned counsel for the petitioners submit that in the present case, both Sunil @ Kala @ Sunil Kumar Bhandari and Manoharma @ Kalawati were arrested by the police on 27.02.2024 and 28.03.2024 respectively and are in custody since then. Even no recovery was effected from both the petitioners in the present case and this case is clearly distinguishable from the case of Daya Singh. Learned counsel further submit that after completion of investigation, challan has already been presented against them and the trial is not likely to conclude in near future.

4. On the other hand, reply in CRM-M-37149-2024 has been filed on behalf of the respondent-State in Court today and the same is taken on record. learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioners on the ground that the petitioners were in constant touch with each other and there was sufficient evidence to indicate the



involvement of both the petitioners in the crime. He further submits that one more case under the provisions of NDPS Act has been registered against Manoharma @ Kalawati, however, she is on bail in the said case.

5. I have heard learned counsel for the parties and perused the record.

6. In the present case, admittedly, no recovery was effected from both the petitioners and both the petitioners now in custody since long. It is also apparent that the trial has just formally commenced against them and their custody will not serve any meaningful purpose.

7. Without commenting any further on the merits of the case, both the petitions are allowed and the petitioners are ordered to be released on bail subject to their furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned, subject to the following conditions:-

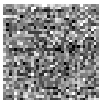
(i) *The petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade them to disclose such facts to the Court or to any other authority.*

(ii) *The petitioners shall remain present before the Court on the dates fixed for hearing of the case.*

(iii) *The petitioners shall not absent themselves from the Court proceedings except on the prior permission of the Court concerned.*

(iv) *The petitioners shall surrender their passport, if any, (if already not surrendered), and in case they are not holder of the same, they shall swear an affidavit to that effect.*

(v) *The petitioners shall also file their affidavit before the concerned Court, mentioning their ordinary place of residence and number of mobile phone, which shall be used by them during the*



pendency of the trial. In case of change of place of residence/mobile number, they shall share the details with the concerned Court/learned Trial Court.

(vi) In case, the petitioners involve in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.

(vii) The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioners.

09.09.2024
hemlata

(N.S.SHEKHAWAT)
JUDGE

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