



CRM-M-40051-2023

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-40051-2023
Decided on : 01.08.2024

Aman Kumar
... Petitioner

Versus

State of Haryana
... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present : Mr. Vijay Lakshmi Tanwar, 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.724 dated 30.12.2022 registered under Sections 20, 20B(ii)(c), 58(2) and 29 of the Narcotics Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act') at Police Station Ladwa, District Kurukshetra.

2. Mr. Vijay Lakshmi Tanwar, Advocate has filed Vakalatnama with no objection from the earlier counsel on behalf of the petitioner. The same is taken on record. Registry is directed to tag it at an appropriate place in the file.

3. The facts in brief are that on 30.12.2022, upon receipt of a secret information, a police team intercepted one Sandeep who was stated to be involved in selling of Charas (Sulpha). Upon his personal search (after complying with the statutory provisions), 1kg 150 grams of Charas was recovered. Upon interrogation,

the named one Harvinder Singh @ Golu as the person from whom he had

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purchased the contraband. The said Harvinder Singh @ Golu was arrested who then named one Aman. Upon arrest, Aman named the present petitioner. The present petitioner was accordingly arrested on 14.01.2023.

4. Learned counsel for the petitioner submitted that the petitioner has been falsely implicated in this case and no recovery has been made effected from him. The petitioner was nominated as an accused on the basis of statement of co-accused, who himself was not arrested from the spot. He further submits that the petitioner has not been named in the FIR and he has already undergone an actual custody of 10 months and 20 days. There are three more cases pending against the petitioner, in which he has been granted the concession of regular bail. Learned counsel further submits that co-accused Mohamad Daud has already been granted the concession of regular bail by this Court vide order dated 03.11.2023 passed in CRM-M-43794-2023.

5. 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 10 months and 20 days and there are three more cases pending against the petitioner in which he has been granted the concession of regular bail. He, however, submits that in view of the serious allegations against the petitioner, he is not entitled to the concession of regular bail.

6. Heard.

7. The veracity of the allegations leveled against the petitioner shall be established during the course of the trial. Admittedly, charges have been framed on 06.10.2023 and out of 23 prosecution witnesses only 03 prosecution witnesses have been examined. The petitioner has undergone actual custody of 10 months



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and 20 days and he is involved in three more criminal cases, in which he has been granted regular bail. The petitioner has been nominated on the basis of disclosure statement and his further detention will not serve any purpose.

8. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and order dated 05.12.2023 passed by this Court is made absolute. The petitioner shall 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.

9. 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.

10. 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.

01.08.2024
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(KIRTI SINGH)
JUDGE