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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-40694-2024

Date of decision : 29.08.2024

ARUN KUMAR ALIAS LATTU

....Petitioner

Versus

STATE OF PUNJAB

....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Rythem Bajaj, Advocate
for the petitioner.

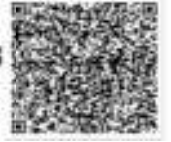
Mr. Soloman Partap Singh, AAG, Punjab.

PANKAJ JAIN, J. (ORAL)

This petition has been filed under Section 483 of BNSS, 2023 for grant of regular bail to the petitioner in case F.I.R. No.32 dated 05.04.2024 registered for the offences punishable under Sections 18 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station City-2, Abohar, District Fazilka.

2. Custody Certificate of the petitioner has been filed today in Court. The same is taken on record.

3. As per the case of the prosecution on 5th of April, 2024 petitioner Arun Kumar @ Lattu threw a bag in order to escape from the police party. He fled from the spot. The bag when checked led to recovery of 2 kg of opium. It is further case of the prosecution that from the side



pocket of the bag Voter ID card and scanned copy of the Aadhar Card of the petitioner/accused along with PAN Card and Debit Card were recovered.

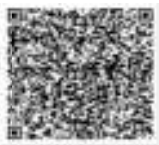
4. Counsel for the petitioner submits that it is highly improbable that a person carrying opium in a bag will put his identity documents in the same bag. The story being projected is totally false. The petitioner was not apprehended from the spot which itself shows it to be a case of false implication. Further submits that the petitioner is behind bars for more than 2 months and 1 days and has no prior antecedents of being involved in any other case under the NDPS Act. Quantity recovered from the petitioner is less than commercial.

5. State counsel does not dispute that the petitioner was not apprehended from the spot and has no prior antecedents of being involved in any case pertaining to Narcotic Drugs and Psychotropic Substances Act.

6. I have heard counsel for the parties and have gone through records of the case.

7. Without commenting on the merits of the case, keeping in view the incarceration already suffered by the petitioner, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

8. 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 his cell-phone number without permission of the trial Court.
- (vii) The petitioner shall not in any manner try to delay the trial.

9. 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.

10. Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

August 29, 2024
Dpr

(Pankaj Jain)
Judge

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