



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

203**CRM-M-47889-2024****Date of Decision: 19.10.2024**

Mayank Sharma @ Suraj

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Pankaj Bali, Advocate, for the petitioner.

Mr. Rajinder Kumar Banku, DAG, Haryana.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the instant petition under Section 438 of the Bharatiya Nagrik Suraksha Sanhita, 2023 with a prayer to grant a regular bail in case FIR No.144 dated 08.03.2024 registered under Sections 21C, 22C, 25 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Sector-32-33, District Karnal (Annexure P-1).

2. Learned counsel for the petitioner contends that in the present case, the contraband was allegedly recovered from Surya Dev, co-accused and he was ordered to be arrested. During the investigation, Surya Dev, co-accused allegedly suffered a statement that he had received contraband from the present petitioner. Consequently, after recording the statement of Surya Dev, Section 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 was added in the present case. Learned counsel further contends that even



after the said statement, the petitioner was arrested on 11.03.2024 and nothing was recovered from the present petitioner. Even during the pendency of the investigation, the police could not collect any evidence to show that the petitioner had supplied contraband to Surya Dev, co-accused nor the police could find any evidence to show that the contraband was received by the present petitioner or any other person. He further contends that in the present case, the report under Section 173 Cr. P. C. has already been presented before the Competent Court and no witness has been examined so far. Thus, there are no chances of early conclusion of trial.

3. On the other hand, learned State counsel has vehemently opposed the prayer made by the learned counsel for the petitioner on the ground that one more FIR was also registered against the petitioner. Thus, he does not deserve the concession of bail by this Court.

4. I have heard rival submissions made by the parties and perused the record.

5. The petitioner was arrested in the present case on 11.03.2024 and is in custody since then. In the present case, the petitioner was arrested on the strength of the disclosure statement suffered by Surya Dev, co-accused and no recovery was effected from him. Even no witness has been examined so far, thus, there is remote possibility of early conclusion of the trial.



6. In view of the above, without commenting any further on the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned subject to following conditions:-

(i) 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 to disclose such facts to the Court or to any other authority.

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

(iii) The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.

(iv) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.

(v) The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.

(vi) In case, the petitioner involved in any other criminal activity, during the pendency of the trial, it shall be viewed seriously and the prosecution shall be at liberty



to move an appropriate application for cancellation of bail granted to the present petitioner.

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

19.10.2024

(N.S.SHEKHAWAT)

M.Sikka

JUDGE

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