

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

(219)

CRM-M-43363-2023

Date of Decision:- 02.05.2024

Rakesh Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Keshav Pratap Singh, Advocate for the petitioner.

Mr. Siddharth Attri, AAG, Punjab.

ALOK JAIN, J. (Oral)

1. Prayer is for grant of regular bail to the petitioner in case FIR No.29 dated 30.04.2023, under Sections 15(B), 25, 61, 27, 29, 15 (C) of NDPS Act (Sections 27,29 and 15 (C) of NDPS, Act added later on), registered at Police Station Jhunir, District Mansa.

2. Learned counsel for the petitioner submits that the petitioner has been nominated in the present FIR on the basis of the disclosure statement made by the main accused Vakil Singh and Manpreet Singh from whom the contraband had been recovered. On the same disclosure statement the co-accused Vakil Singh got a recovery of another 50 kgs of contraband effected from the motor room installed in his fields, and for the same he nominated the present petitioner. Learned counsel for the petitioner has submitted that the only reason for entanglement of the petitioner in the present FIR is that he is into the business of liquor trade and Vakil was his employee and on that account there are telephone calls exchanged between the parties and there is nothing more than that to corroborate that the petitioner was supplying the

contraband to the said accused, in fact, he submits that Vakil Singh had left the job, however, being a former employee, he was still in touch with the petitioner, more so, it is submitted that since all the material witnesses have been examined and no recovery has been effected from the petitioner, he be granted the concession of regular bail.

3. Custody certificate filed by learned State counsel is taken on record, according to which the petitioner is in custody since 03.05.2023.

4. After hearing learned counsel for the parties and considering the fact that the petitioner is in custody almost 01 year and the trial is likely to take long time, hence, no useful purpose would be served by keeping the petitioner in custody.

5. Without commenting upon the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned. He shall, however, be released on the following conditions:

- i. The petitioner shall declare his ordinary place of residence and the mobile number used by him.
- ii. He will not switch off his mobile and in case of any technical glitch, he has to give an alternate number, which will be available in his absence.
- iii. He will mark his presence before the SHO concerned, after every 15 days and in case the SHO refuses to mark his presence, he is permitted to make an application before the Illaqa Magistrate, concerned.
- iv. He will not leave the country without the prior permission of the Court, for which he will submit the copy of his passport also. However, in case, the petitioner does not possess a passport, then he shall file an undertaking to the said effect from being released.

6. The petitioner shall abide by the terms and conditions as imposed in addition to Section 439 of Cr.P.C.

7. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case.

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8. It is made clear that, in case, the petitioner is found involved in any such activity once again, the State is at liberty to promptly move an appropriate application for cancellation of bail detailing out the circumstances and violation of conditions of bail.

9. However, it is made clear that this order shall not be construed as parity *qua* any other co-accused.

May 02, 2024

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(ALOK JAIN)
JUDGE

Whether speaking/reasoned:-	Yes/No
Whether Reportable:-	Yes/No