



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

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**CRM-M-54993-2023
Decided on : 08.08.2024**

ASHISH KUMAR ALIAS LALA

... Petitioner(s)

Versus

STATE OF HARYANA

... Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

PRESENT: Mr. Gaurav Vir Singh Behl, Advocate
for the petitioner(s).

Mr. Gaurav Bansal, DAG, Haryana.

KIRTI SINGH, J. (Oral)

The jurisdiction of this Court under Section 439 Cr.P.C. has been invoked for grant of regular bail to the petitioner in case FIR No.363 dated 27.06.2023 registered under Sections 22 and 29-61-85 of NDPS Act, registered at Police Station Ambala Cantt, District Ambala.

2. Learned counsel for the petitioner submits that co-accused Suraj was apprehended with 75 strips containing 600 capsules of intoxicating capsules containing salt Dicyclomine Hydrochloride, Tramadol Hydrochloride, Acetaminophen Capsules Spasmaxx and total weight of 600 capsules without strips was found to be 321.75 gms. He further submits that the petitioner has been falsely implicated in this case and no recovery was effected from him and he has not been named in the FIR and he is nominated only on the basis of disclosure statement. He has undergone an actual custody of 09 months and 09 days. He also submits that co-accused Suraj has been granted concession of regular bail vide order dated 07.08.2024 passed by this Court in CRM-M-8369-2024.

3. Learned State counsel has filed the custody certificate dated 07.08.2024 in Court today, which is taken on record. As per custody

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certificate, the petitioner has undergone an actual custody of 09 months and 09 days and there is one other case pending against him under NDPS Act. Moreover, on instructions he submits that charges are framed on 16.12.2023. The next date fixed before trial Court is 31.01.2025. He also submits that out of total 20 prosecution witnesses, only one has been examined till date. However, in view of the serious allegations against the petitioner, he is not entitled to the concession of regular bail.

4. Heard.

5. The veracity of the allegations leveled against the petitioner shall be established during the course of the trial. The petitioner has undergone an actual custody of 09 months and 09 days. Out of 20 prosecution witnesses, only one has been examined till date. The trial of the case will take considerable time and no useful purpose will be served by detaining the accused in custody.

6. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the order dated 08.04.2024 is hereby made absolute.

7. The petitioner shall also 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 she is accused of, or for commission of which she 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 her from disclosing such facts to the Court or to any police officer or tamper with the evidence.

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8. 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.

9. 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.

(KIRTI SINGH)
JUDGE

08.08.2024*Kavita Nain**Whether speaking/reasoned: Yes/No**Whether Reportable: Yes/No*