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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-52748-2024
Decided on : 28.10.2024

SANDEEP KUMAR
... Petitioner
Versus
STATE OF HARYANA
... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Ms. Himani Anand, Advocate and
Ms. Vandana, Advocate
for the petitioner.
Mr. Brijesh Sharma, AAG, Haryana.

KIRTI SINGH, J. (Oral)

The jurisdiction of this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 has been invoked for grant of regular bail to the petitioner in case FIR No.225 dated 09.07.2024, registered under Section 22(c) of NDPS Act (Section 29 of NDPS Act added later on), at Police Station Mullana, District Ambala.

2. Learned counsel for the petitioner *inter alia* submits that there was an alleged recovery of 1,125 tablets namely Apcolm, containing salt alprazolam, weighing a total of 147 grams. He further submits that the petitioner was nominated on the basis of disclosure statement of co-accused. Similarly placed co-accused have been granted anticipatory bail by this Court vide orders dated 21.08.2024 and 23.09.2024 in CRM-M-40150-2024 and CRM-M-47534-2024

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respectively. The petitioner has already undergone an actual custody of 03 months and 12 days. Moreover, learned counsel contends that the trial Court erroneously dismissed the petitioner's bail application solely on the grounds of involvement in six other criminal cases; however, the petitioner is not involved in any other cases and has clean antecedents.

4. Per contra, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. Custody certificate filed by learned State counsel is taken on record. As per the custody certificate, the petitioner has undergone actual custody of 03 months and 12 days. On a pointed query regarding previous FIRs, learned State counsel on instructions of ASI Surinder confirms that there are no other cases registered against the petitioner, and the same is reflected in the custody certificate. He, however, submits that there are serious allegations against the petitioner, therefore, he is not entitled to the concession of regular bail.

5. Heard the rival submissions made by learned counsel for the parties.

6. Admittedly, the petitioner has undergone actual custody of 03 months and 12 days with no history of involvement in any other criminal cases. The petitioner has been nominated based on the disclosure statement of a co-accused. Similarly situated co-accused have been granted anticipatory bail by this Court in orders dated 21.08.2024 and 23.09.2024 in CRM-M-40150-2024 and CRM-M-47534-2024 respectively. The conclusion of the trial will take considerable time and further incarceration will not serve any purpose.

7. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be



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released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate. 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 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.

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.

28.10.2024
Kavita

(KIRTI SINGH)
JUDGE

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