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

**CRM-M-54399-2024****Date of Decision: 07.11.2024**

Umesh Saw

...Petitioner

vs.

State of Haryana

...Respondent

**Coram : Hon'ble Mr. Justice N.S.Shekhawat**

Present : Mr. Jagtej Singh Kang, Advocate  
for the petitioner.

Mr. Rajinder Kumar Banku, Deputy Advocate General, Haryana.

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**N.S.Shekhawat J. (Oral)**

1. The petitioner has filed the instant petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant regular bail in case FIR No.383 dated 23.11.2023 registered under Section 17 of NDPS Act, 1985 (Section 29 of NDPS, Act, 1985 added later on), at Police Station Sadar Jhajjar, District Jhajjar.

2. Learned counsel for the petitioner contends that as per case of the prosecution, Naresh and Rakesh, co-accused were arrested by the police on the basis of the secret information and 3 kg 600 grams of opium was recovered from them. Learned counsel further submits that the petitioner was neither named in the FIR nor his physical description was mentioned. He further contends that the petitioner is a businessman, who is running his business under the name and style of M/s Shri Shyam Enterprises in Jharkhand and is paying his income tax and GST regularly. He further contends that the petitioner had no concern with the co-accused Naresh and Rakesh and even during the course



of investigation, no evidence has been collected in this regard. The petitioner was arrested in the present case on 31.07.2024 and the challan has already been presented against him. He further contends that the prosecution has cited 25 witnesses, but no witness has been examined so far.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner is a supplier of drugs and his involvement has been found during the course of investigation. However, he admits that there is no other case against the petitioner.

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

5. In the present case, admittedly no recovery of contraband was effected from the present petitioner. The petitioner is a businessman, which is evident from his income tax/GST returns (Annexures P-4 to P-9) and whether the amount of Rs.1 lac, which was allegedly recovered from the petitioner, constituted drug money or not is a subject matter of adjudication before the trial Court. However, at this stage, no other incriminating substance has been recovered from the petitioner. The petitioner is in custody for the last more than 03 months and further detention of the petitioner will not serve any meaningful purpose.

6. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty



Magistrate/Chief Judicial Magistrate, concerned subject to the 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 involves in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.*
- (vii) *The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.*

07.11.2024.  
hemlata

(N.S.SHEKHAWAT)  
JUDGE

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