

228 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M No.58740 of 2023  
Date of decision : 11.03.2024

Vipin Kumar ..... Petitioner  
versus  
State of Haryana ..... Respondent

**CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN**

Present :- Mr. Ritesh Tomar, Advocate for the petitioner.

Mr. Ashok Kumar Sehrawat, DAG Haryana.

**PANKAJ JAIN, J. (ORAL)**

1 This petition has been filed under Section 439 Cr.P.C. for grant of regular bail in case F.I.R. No.133 dated 05.06.2021 registered under Sections 22C, 61, 85 of NDPS Act, 1985 registered at Police Station Sector-17, Faridabad, District Faridabad.

2 As per the contents of the FIR, it has been alleged as under:-

*“To SHO Police Station Sector 17 Faridabad. Today I, ASI along with HC Ishwar 2589, Constable Naveen 3006 in Government Vehicle Tata Sumo with driver constable Vikas 205 is present on Patrolling for Crime Investigation in Sector 14/17 Red Light Bypass Road. That the Secret informer informed that a boy named Vipin, who deals in buying and selling of drug injections is trying to sell injectable drugs on the Red Light Bypass Road of Sector-17. If raid be conducted at the earliest, then Vipin can be caught with intoxicating injections. That on considering the information of the secret informer as correct and by informing the fellow employee about the information and after preparing notice under section 42 NDPS Act constable Naveen was sent to Police Station Sector 17 Faridabad with the information, who after registering the notice at Police Station Sector 17 came back after sometime. Who presented copy of report to ASI. That 1 ASI with other officials in government vehicle along with secret informer had reached at the red light of the sector 17 that the secret informer told by pointing his hand*

*while sitting in the car that the person who is coming from Delhi and in the direction of Ballabgarh bypass road is standing in grey colour T-Shirt and in red colour lower, Who is white colour Polybag in his hand, the same person is Vipin. After freeing the secret informer, ASI, with the help of fellow official, controlled that person and on asking for the name and address, he told his name Vipin Kumar son of Ompal resident of H. No. 987 street no. 08 Indra Nagar Ballabgarh age 32 years. On the suspicion of having narcotic injection inside the white colored polythene in his hand, he was given a separate notice under section SONDPS ACT and those injections come under NDPS ACT. Who wrote on the notice that I want to get myself and the polythene taken in my hand searched by a gazetted officer who in this regard Shri Ramesh Deshwal EXN. HSAMB Marketing Board Sector 16 Faridabad Mobile No. whose phone no is 9971730975 contacted from his number 9711200048 and informed about the situation and asked about coming to the spot, after some time the duty magistrate Mr Ramesh Deshwal came on the spot and after first searching the person with help of ASI and fellow employee, after interrogating Vipin Kumar, After signing notice under section 50 NDPS ACT and after that the instructed the ASI to search the white colored polythene in the hand of the person Vipin On search, a paper box was found inside a white colored polythene with BUPRENORPHINE INJECTION/ LEEGESIC written on it, inside which 5 packet of BUPRENORPHINE were found which has 5 injections in each packet, which is a total of 25 injections. 2ML MFG LIC G/1662 BATCH NO. Found written DA245, MFG DAN APR-2021 and EXP DATE MAR-2023 which makes a total of 50 ML. He was asked to show licence To keep the injections in his possession, asked to produce bill license and doctors prescription of which he could not give satisfactory answer. In this matter Drug inspector Sandeep Gehlan was called on his mobile and was told about the situation and sent photographs of the injections through whatsapp and sent a written request through constable Naveen who went to the Drugs Inspector who gave written opinion from above that all these injections come under NDPS ACT. People who were asked to be witnesses, then all of them left from there expressing their compulsion. By keeping 25 intoxicating injections in the same paper cardboard, making a separate pedestal and putting it in the pedestal as a reason, after taking possession through memo by the police. ASI stamped it with his seal JS and Shri Ramesh Deshwal EXN his seal B.L All stamped .After the seal,*

*ASI gave it to HC Ishwar 2589 and EX kept his seal with himself. The above said person Vipin has committed the crime under section 22C-61-85 NDPS ACT by keeping the intoxicant injection BUPRENORPHINE in his possession. Therefore, the written endorsement of this case is being sent to the police station of through I Sepoy Naveen 3006 After registering the case, inform it with the case number and the special report should be sent by the special carrier to the local magistrate and officer and another VO should be sent on the spot for further investigational, ASI is present at the spot Today-Sector-17 Bypass road Red Light, SD-ASI Krishna Kumar Crime Branch No.17 Feb DT-05.06.2021 AT 6:50 PM Police Proceedings.”*

3 The petitioner is in custody for more than 2 years 9 months and 5 days. There is no other case against the petitioner under the NDPS Act. The trial is going at snail's pace as only 8 out of 16 witnesses could be examined.

4 Keeping in view the incarceration suffered by the petitioner and the fact that the trial is not expected to conclude soon, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

However, in addition to conditions that may be imposed by the Trial Court/Duty Magistrate concerned, the petitioner shall remain bound by the following conditions :-

- (i) The petitioner shall not mis-use the liberty granted.*
- (ii) The petitioner shall not tamper with any evidence oral or documentary during the trial.*
- (iii) The petitioner shall not absent himself on any date before the trial.*
- (iv) The petitioner shall not commit any offence while on bail.*
- (v) The petitioner shall deposit his passport, if any with the trial Court.*
- (vi) The petitioner shall give his cellphone number to the police authorities and shall not change his cell-phone number without permission of the trial Court.*

*(vii) The petitioner shall not in any manner try to delay the trial.*

5           Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.

( PANKAJ JAIN )  
JUDGE

11.03.2024  
*spn*

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