

2024.PHHC.072839



2024.PHHC.072841



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

208

I.

CRM-M-59651-2023

Shindo

.....Petitioner

Vs.

State of Punjab

.....Respondent

II.

CRM-M-48844-2023 (O&M)

Makhan @ Kasam

.....Petitioner

Vs.

State of Punjab

.....Respondent

Date of Decision.:22.05.2024

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. H.S. Bhogal, Advocate for the
petitioner in CRM-M-59651-2023.

Mr. Azad Khan, Advocate for the
petitioner in CRM-M-48844-2023 (O&M).

Mr. Vinay Kumar Malhotra, DAG, Punjab.

DEEPAK GUPTA, J. (ORAL)

Petitioners in both the cases titled above seek their release on regular bail under Section 439 Cr.P.C, in a case arising out of FIR No.96 dated 20.06.2023 under Section 22, 29 of NDPS (Act No.61 of 1985) registered at Police Station Garhshankar, District Hoshiarpur.

CRM-M-59651-2023

2024.PHHC.072839



CRM-M-48844-2023 (O&M)

2024.PHHC.072841



-2-

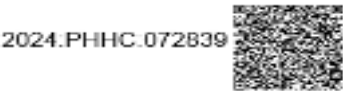
2. As per prosecution allegations, on the basis of secret information Makhan @ Kasam (petitioner in CRM-M-48844-2023) along with co-accused Desho were apprehended on 20.06.2023. From the possession of said Makhan @ Kasam 50 grams of intoxicating powder containing salt of Diacetylmorphine was recovered; whereas from the possession of Desho 13 intoxicating injections of 2 ML each containing salt of Buprenorphine HCL were recovered. In their disclosure statement, they nominated Shindo (petitioner in CRM-M-59651-2023) to be supplier.

3. Learned counsels contends that both the petitioners have been falsely implicated; that co-accused Desho has already been allowed bail by this Court vide order dated 08.04.2024 passed in CRM-M-56635-2023. Learned counsels also contends that recovery of 50 grams of powder as effected from the petitioner Makhan @ Kasam is non-commercial in nature.

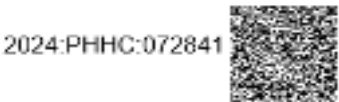
4. Learned State counsel does not dispute the fact that recovery effected from the petitioner Makhan @ Kasam falls in non-commercial category. However, bail is opposed on the ground that petitioner Shindo is involved in many other cases and that even her conviction has been recorded in four cases.

5. It is conceded by learned State counsel that as far as the present case is concerned, no recovery has been effected from petitioner Shindo. It is also conceded that except for the disclosure statement of co-accused, who

CRM-M-59651-2023



CRM-M-48844-2023 (O&M)



-3-

nominated the petitioner as the supplier, no other connecting evidence has been collected against said petitioner Shindo.

6. The custody certificate as produced today would reveal that Shindo is in custody for the last 08 months and 29 days, though she is under-trial in two other case and convict in four other cases.

7. Petitioner Makhan @ Kasam is in custody for the last 11 months and 01 day with no other criminal case pending against him. Learned State counsel also informs that out of 10 witnesses cited by the prosecution, only 01 has been examined so far and thus, trial is likely to take long time to conclude.

8. Having regard to the above facts and circumstances, but without commenting anything further on the merits of the case, both the petitions are allowed and petitioners are admitted to bail on their furnishing bail bonds/surety bonds to the satisfaction of the Learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

A photocopy of this order be placed on the connected case file.

(DEEPAK GUPTA)
JUDGE

May 22, 2024

Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No