

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

228

2024:PHHC:050304
CRM-M-61180-2023
Date of decision: April 15, 2024

HARJEET SINGH

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. A.S. Shera, Advocate
and Ms. Manju Singh, Advocate
for the petitioner.

Mr. Tanuj Sharma, Assistant Advocate General, Haryana.

ALOK JAIN, J. (ORAL)

1. The instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.52 dated 25.01.2022 for offences under Section 18 of the NDPS Act, 1985 and Section 29 of the NDPS Act (added later on), registered at Police Station Nissing, District Karnal.

2. Learned counsel for the petitioner submits that the petitioner has been named in the present FIR on the basis of a disclosure statement and no recovery of contraband has been effected from him and moreso, the recovery effected from the main accused was also marginally above the non-commercial quantity.

3. *Per contra*, learned State counsel has vehemently opposed the prayer for grant of concession of regular bail to the petitioner on the ground that the petitioner has not denied receiving a sum of Rs.2,80,000/- for supply of the said contraband and has stated that he spent the money and remaining amount of Rs.5,000/- was recovered from him. Learned State counsel has further

submitted that the antecedents of the petitioner are bad and there are 4 more cases registered against the petitioner.

4. Learned counsel for the petitioner at this stage submits that as regards the antecedents of the petitioner, the same are absolutely baseless for the reason that he had been granted bail in those FIRs by holding that there was no attack on the police officials and no police official was injured by any firearm and moreover, there was no independent witness of the alleged incident and on this ground, he was released on bail way back in the year 2018. Moreover, there is no other case registered against him.

5. I have heard learned counsel for the parties and perused the material placed on record. Considering the fact that the charges have been framed and no contraband was recovered from the petitioner and there is no other FIR pending against him under the NDPS Act and also the fact that the main accused has been granted the concession of bail by invoking the provisions of Section 167(2) of the Cr.P.C., the petitioner is also granted the concession of bail.

6. Without commenting upon the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. He shall, however, be released on the following conditions:

- ❖ The petitioner shall declare his ordinary place of residence and the mobile number used by him.
- ❖ He will not switch off his mobile and in case of any technical glitch, he has to give an alternate number, which will be available in his absence.

- ❖ He will mark his presence before the SHO concerned, after every 15 days and in case the SHO refuses to mark his presence, he is permitted to make an application before the Illaqa Magistrate, concerned.
 - ❖ He will not leave the country without the prior permission of the Court, for which he will submit the copy of his passport also.
7. The petitioner shall abide by the terms and conditions as imposed in addition to Section 439 of Cr.P.C.
8. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and this order shall not be considered as parity qua any other co-accused in any manner whatsoever.
9. It is made clear that, in case, the petitioner is found involved in any such activity once again, the State is at liberty to promptly move an appropriate application for cancellation of bail detailing out the circumstances and violation of the condition(s) of bail.

April 15, 2024
Jaspreet Kaur

(ALOK JAIN)
JUDGE

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