



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

CRM-M-9245-2025

Date of Decision: 28.04.2025

Shiva @ Ashu

...Petitioner

vs.

State of Haryana

...Respondent

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

Present : Mr. Rakesh Kumar Lathwal, Advocate
for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 483 of B.N.S.S with a prayer to grant regular bail to him in case FIR No. 334, dated 22.06.2023, registered under Sections 22 (C), 29 of NDPS Act added later on, Police Station Civil Lines, Hisar District Hisar.

2. The FIR in the present case was initially registered against Rohan @ Moni, as he was found to be carrying six cartons containing 120 bottles in each carton of Codeine Phosphate Chlorpheniramine Maleate Syrup Wincrex Cough Syrup, without any permit or license and was arested on 22.06.2023. During the course of investigation, Rohan @ Moni made a disclosure statement, naming the petitioner as one of the co-accused and the petitioner was also arrested in the present case on 14.11.2023.

3. Learned counsel for the petitioner contends that the petitioner has been falsely involved in the present case by the police only on the basis of

suspicion as there were exchange of calls between the petitioner and his co-accused. The petitioner was taken in custody on 14.11.2023 and even during the course of investigation, no contraband was recovered from the petitioner. He further contends that the after completion of the investigation, the challan has already been presented against the petitioner, but the prosecution has not able to examine even a single witness so far.

4. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that the five more cases under the provisions of NDPS Act were ordered to be registered against the petitioner, however, he admits that in the present case, no recovery was effected from the present petitioner.

5. I have heard the learned counsel for the parties and perused the record carefully.

6. The petitioner is stated to be in custody for the last more than 01 year and 05 months, whereas, no recovery was effected from him. Further, the final report under Section 173 Cr.P.C has already been presented against him. The prosecution has not been able to examine even a single witness so far and the conclusion of trial may take quite a long time. Moreover, the case is based on different footing than Rohan @ Moni, co-accused, from whom the recovery was effected.

7. Without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial on his furnishing bail bonds and surety to the satisfaction of the concerned trial Court/ Duty Magistrate/Chief Judicial Magistrate 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 is involved 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.

8. In case, the petitioner violates any of the conditions mentioned above, it shall be viewed seriously and the concession of bail granted to him shall be liable to be cancelled and the prosecution shall be at liberty to move an application in this regard.

(N.S.SHEKHAWAT)
JUDGE

28.04.2025

hitesh

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