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

CRM-M-19097-2025

Date of Decision:22.04.2025

SANJAY KUMAR

...PETITIONER

VS.

STATE OF HARYANA

...RESPONDENT

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

Present : Mr. Surinder Singh Duhan, Advocate
for the petitioner.

Mr. Rupinder Singh Jhand, Addl. A.G., 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.371 dated 04.09.2023, registered under Sections 18(b), 20(b)(ii) (c) of NDPS Act (Section 27-A of NDPS Act, 1985 and Section 201 of IPC, 1860 added later on), Police Station Chand Hut, District Palwal.

2. Learned counsel for the petitioner contends that the FIR in the present case was registered on the basis of the complaint filed by Vikas Yadav, P/SI, Special Force Unit, Gurugram and it was alleged that Satish Kumar, co-accused was apprehended by the police, while he was carrying 23.500 kgs. of Charas (Sulfa) in his conscious possession. He further contends that the petitioner was named as one of the co-accused by Satish Kumar, while he was interrogated by the police. He further contends that the petitioner was arrested



in the present case on 08.09.2023 and is in custody since then. He further contends that the petitioner has been falsely involved in the present case as he was an old accomplice of Satish, main accused and had no connection with any of the activity undertaken by the main accused. The petitioner is behind the bars for the last more than 01 year and 07 months and the prosecution has not been able to examine even a single witness.

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 has already been convicted under the provisions of NDPS Act and does not deserve the concession of bail by this Court.

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

5. It is not in dispute that no recovery was effected from the petitioner in the present case and he is continuing in jail for the last more than 01 year and 07 months. The prosecution has placed reliance on 14 witnesses, but no witness has been examined so far. Even the prosecution is yet to lead evidence before the trial Court to prove the complicity of the petitioner for commission of crime in the present case.

6. 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 and the prosecution shall be at liberty to move an appropriate application for cancellation of bail granted to the present petitioner.

(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.

7. 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.

22.04.2025
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(N.S. SHEKHAWAT)
JUDGE

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