

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-31507-2025
Reserved on: 14.07.2025
Pronounced on: 28.07.2025

Lallan Kumar ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Ketan Antil, Advocate
for the petitioner.

Mr. Naveen K. Sheoran, D.A.G., Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
130	14.10.2019	GRP, Faridabad	20-B of NDPS Act

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.
2. Per paragraph 14 of the bail application and 16 of the status report filed by the State, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1.	141	01.05.2023	174-A IPC	Civil Lines, Sonipat
2.	406/2020	-	20 of NDPS Act	Civil Lines, Sonipat
3	177	21.06.2024	20 of NDPS Act	Kundli, Sonipat

3. The facts and allegations are being taken from the translated version of FIR, which reads as follows:

“To the SHO Police Station, GRP, Faridabad, Jai Hind. It is submitted that today on 14.10.2019 at about 1:55 PM, I, ASI along with Jagdish Chand ESI 830, Chunni Lal ESI773, Sushil Kumar H.C.857, Saraswathi LHC 558 and Gajraj ESI 875 were present at Mamru platform with regard to checking of train for criminals and to stop crime and further for V.V.I.P duty on platform no. 1, near water tap, Delhi side, railway station, Faridabad. At that time one train bearing number 18477, namely Utkal express which was

coming from Mathura side and going towards Delhi stopped at the above mentioned platform. Then one boy came out from the general compartment which was behind the engine and on asking name by I, ASI, He disclosed himself to be Lalan Kumar son of Anil Shahani, resident of village, Rani Godhana Police Station, Begusarai, district, Begusarai, Bihar, presently residing in rented accommodation at Adarsh Nagar near Ganda Nala, Sonipat and he was carrying one bag on his back which was red and greenish in colour having chains and one red colour strip was there on the top of the bag. He was seen going towards the bridge by mixing himself with other passengers and on seeing the checking being done by the police officials, he started to walk in backward direction. I, ASI, on suspicion stopped him with the help of other police officials and informed him that I have suspicion that you are carrying some psychotropic substance in your bag. It can be Afeem, Charas, Ganja or chura post/Opium, hashish, marijuana and poppy husk and it was asked from him to get his personal search from myself or before some magistrate/gazetted officer. He kept looking here and there, and after sometime he stated that he want to get his bag search in presence of Gazette officer. my On this I, ASI prepared notice under section 50 NDPS act and read the contents to him and Lallan Kumar appended his thumb impression of left hand on the notice. Thereafter, I gave the information to Shri Shakir Hussain DSP GRP Faridabad on his Mobile number phone number 72919XXXXX from 99905XXXX, and requested him to come at the spot. At about 3 PM, DSP Sir came present at the spot, and the information with regard to the bag of Lalan Kumar was given to him. DSP sir enquired from him and on instructions from DSP Sir I, ASI took the bag from Lalan Kumar and opened the chain of the bag and found one plastic polythene, black in colour which was tied with a cloth, and by opening it, some weed type psychotropic substance was found which was a little wet. Accused Lalan Kumar got nervous and stopped replying to any of the questions and started to behave as if he was unaware of the situation and on repeated asking, it was found that he had brought that weed for smuggling. That accused Lalan Kumar above mentioned could not present any license or permit with regard to the recovered weed in his possession. That Chunni Lal ESI 773 was sent to the Police Station for bringing the electronic weight machine and thereafter the bag along with plastic polythene was measured and total weight came out to be 5kg. That a parcel was prepared of the bag along with the plastic polythene and a seal bearing A.K was appended and DSP Sir also appended seal bearing S.P and it was taken into police possession as evidence. Witnesses appended, their signature and the accused Lallan Kumar appended his thumb impression of left hand. After using the seal, the same was given to Jagdish ESI 830 for safekeeping. Separate parcel of weed 100/100 gm will be prepared as per section 52 NDPS act in presence of honourable court. That the accused Lalan Kumar above mentioned has kept 5 KG weed without license and permit and therefore committed an offence

under section 20 B of NDPS act and now the information with regard to the above complaint is being sent through Gajraj Singh ESI 875 and after registration, the FIR number may kindly be informed. Copy of the FIR for preparation of special report may kindly be sent to senior officers and as per rules for further investigation, 2nd IO, be sent at the spot. A number of passengers were asked to become witness who have refused to become the witness due to travelling. I, ASI along with the other police officials are busy in investigation at this spot. SD Bhim Singh ASI 786 XXXX."

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and his family. Counsel for the petitioner submits that earlier petitioner was on bail and due to non-appearance, his bail was cancelled.

5. The State's counsel opposes bail.

6. Petitioner was initially granted bail vide order dated 28.11.2019 by Additional Sessions Judge, Faridabad. After that, his bail was cancelled vide order dated 21.12.2021. Thereafter, vide order dated 21.02.2023, the petitioner was declared as proclaimed person. Petitioner is in custody since 03.01.2025.

7. As petitioner was earlier granted bail vide order dated 28.11.2019, and as such, this court is inclined to grant bail subject to some conditions.

8. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, petitioner being earlier on bail and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage.

9. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

10. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

11. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
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2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

12. This order is subject to the petitioner’s complying with the following terms.
13. The petitioner shall attend the Trial on every date and shall not seek single adjournment without cogent reason.
14. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.
15. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.
16. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

28.07.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.