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

CRM-M-62463-2024**Date of Decision: 29.04.2025**

Deepak Saini

...Petitioner

vs.

State of Haryana

...Respondent

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

Present : Mr. Ajay Arora Bharti, Advocate for
Ms. Divya Narula, Advocate
for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant regular bail to him in case FIR No.394 dated 04.06.2024 registered under Sections 22-C, 61 and 85 of NDPS Act, at Police Station City Sirsa, District Sirsa.

2. Learned counsel for the petitioner contends that as per the case set up by the prosecution, 3390 intoxicating tablets were recovered from Vicky, co-accused, who was arrested at the spot. The petitioner had no connection with Vicky and only on the basis of the certain call details between the petitioner and Vicky, he has been arrayed as an accused in the present case. He further contends that the police allegedly recorded the disclosure statement of Vicky in police custody and the evidentiary value of such a statement is very weak. Apart from the above referred two incriminating materials, there is no other evidence against the petitioner to connect him with the crime. He further contends that the petitioner was taken in to custody on 22.08.2024 and no

witness has been examined so far. Thus, there are no chances of early conclusion of the trial.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that petitioner is a habitual offender and one more case under the provisions of NDPS Act has been registered against him.

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

5. The petitioner is in custody for the last more than 8 months, however, no recovery was effected from him in the present case. Even, challan has been presented against him, however, not even charge has been framed against the petitioner. Thus, further custody of the petitioner will not serve any meaningful purpose.

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

29.04.2025
hemlata

(N.S.SHEKHAWAT)
JUDGE

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