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2023:PHHC:162385



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

CRM-M-62599-2023

Date of Decision:18.12.2023

Suraj Singh

...Petitioner

vs.

State of Haryana

...Respondent

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

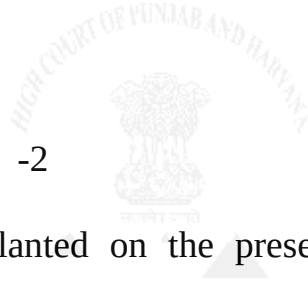
Present : Ms. Diksha, Advocate and
Mr. Vishal, Advocate
for the petitioner.

Mr. Gaurav Gurcharan Singh Rai, DAG, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 439 Cr.PC with a prayer to grant regular bail in case FIR No. 159 dated 29.04.2023, registered under Section 15 of NDPS Act and Sections 25,29,61,85 of NDPS, Act (added later on) Police Station Pehowa, District Kurukshetra (Annexure P-1).

2. Learned counsel for the petitioner contends that as per the case of the prosecution, on 29.04.2023, Avtar Singh and Kamaljeet Singh, main accused were arrested by the police, while they were carrying 85 Kg of poppy straw in their conscious possession, without any permit or license. Learned counsel further contends that the petitioner was nominated as an accused on the basis of the alleged disclosure statements suffered by Avtar Singh and Kamaljeet Singh and the offence under Section 29 of the NDPS Act was added in the present case. Learned counsel further contends that even after the arrest of petitioner, no contraband was recovered from the present petitioner and the recovery of



Rs.5,000/- has been planted on the present petitioner. The petitioner was arrested in the present case on 15.10.2023 and is in custody for the last about two months. She further contends that one more case under NDPS Act was registered against the present petitioner, however, the petitioner is on bail in the said case.

3. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that two more cases have been registered against the present petitioner, however, he admits that he is on bail in the said cases.

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

5. From the record it is evident that 85 Kg of poppy straw was recovered from Avtar and Kamaljeet Singh and have already been arrested by the police. Even no recovery was effected from the present petitioner and his further custody will not serve any meaningful purpose.

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.

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(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.*

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.

18.12.2023
hitesh

(N.S.SHEKHAWAT)
JUDGE

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