

**CRM-M-65187-2024****1**

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

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CRM-M-65187-2024**Decided on: January 13, 2025****Kulwinder Singh @ Lucky****.....Petitioner****Versus****State of Haryana****.....Respondent****CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH**

Present: Mr. Namit Khurana, Advocate,
for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

SANJAY VASHISTH, J. (Oral)

1. The instant petition has been filed under Section 483 of the BNSS, 2023, for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner	FIR No.	Date	Section(s)	Police Station	District
Kulwinder Singh @ Lucky	289	12.11.2024	Sections 21(b) & 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for brevity 'NDPS Act')	Sadhaura	Yamuna Nagar

2. Learned counsel for the petitioner submits that neither any active role has been attributed to the petitioner nor his name appears in the FIR. Further submits that the heroin weighing 21.60 grams has been recovered from the main accused, Sushil Kumar and upon his disclosure



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statement petitioner is dragged in the present case. Further contends that had there been any truthfulness in the prosecution version, name of the petitioner could have been disclosed by the main accused, Sushil Kumar, at the time of arrest, and effecting of recovery from him. Further submits that quantity of contraband recovered from the main accused is of non-commercial and, therefore, prays for grant of bail.

3. On the other hand, Mr. Vikas Bhardwaj, learned Assistant Advocate General, Haryana, on instructions from ASI Rajender Kumar, submits that the petitioner is involved in one more case of similar nature, under Section 21(b) of the NDPS Act, wherein he has already been granted concession of bail.

4. After considering the submissions of both the sides, perusing the record with their able assistance, and considering the fact that quantity recovered from the main accused, Sushil Kumar, is non-commercial, and name of the petitioner was not disclosed by him at the time of effecting of recovery from him (main accused), I deem it appropriate to grant bail to the petitioner.

5. In view of the totality of circumstances and the factors recorded hereinabove, the prayer made in the present petition is allowed. Petitioner is ordered to be released on bail in this case, subject to his furnishing bail/surety bonds to the satisfaction of the learned Trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.



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6. It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

7. The observation made here-in-above shall not be construed as an expression on the merits of the case and the Trial Court shall decide the case on the basis of evidence available on record.

8. It is further made clear that if in future petitioner is found indulged in similar kind of activities, prosecution would be at liberty to seek cancellation of bail in the present case.

9. Petition stands disposed of.

**(SANJAY VASHISTH)
JUDGE**

January 13, 2025
P Kapoor

Whether Speaking/Reasoned: **YES/NO**
Whether Reportable: **YES/NO**