

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

**CRM No.M-48077 of 2017
Decided on: 09.01.2018**

Rajinder Kumar

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. P.S. Ahluwalia, Advocate
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of regular bail under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.468 dated 17.12.2016, for offence punishable under Sections 21-A, 21-B, 21-C, 22-A, 22-B, 22-C, 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'NDPS Act'), 3, 4, 5 of the Medical Termination of Pregnancy Act and 120-B, 315, 511 and 420 of the Indian Penal Code (in short 'IPC') registered at Police Station Civil Lines, Kaithal, District Kaithal.

Counsel for the petitioner has submitted that on 04.01.2018 while framing charge, the trial Court has framed charges against the petitioner under Section 29 of the NDPS Act for the alleged conspiracy with co-accused Ramesh, Balwinder and Dhiraj to commit an offence under Section 21-C and 22-C of the NDPS Act read with Section 120-B IPC. It is further submitted that the substantive charge is framed against co-accused Anil from whom the recovery of the

contraband was effected. A copy of the order dated 04.01.2018 is taken on record as Mark X.

Counsel for the petitioner has further submitted that the petitioner was granted interim bail vide order dated 04.09.2017 (Annexure P3) passed in CRM-M No.9001 of 2017 till the receiving of the Forensic Science Laboratory report by the trial Court and the petitioner has surrendered before the trial Court on 01.12.2017 and he has not misused the concession of interim bail.

Counsel for the State, on instructions from ASI Ramesh Kumar, has not disputed the factual position but opposed the prayer for bail.

Without commenting anything on merits of the case, in view of the submissions made by counsel for the petitioner and considering the fact that no substantive charge has been framed against the petitioner and also the fact that the petitioner has not misused the concession of interim bail, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court. However, it will be open for the prosecution to apply for cancellation of bail, if the petitioner is found involved misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

09.01.2018
yakub

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