

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-30271-2020 (O&M)
Date of decision: 07.09.2021

Malkinder Singh

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. K.S. Dhaliwal, Advocate
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.117 dated 23.04.2020 under Section 51(b) of Disaster Management Act, 2005, Section 188 IPC and Section 15 of NDPS Act, registered at Police Station Safidon, District Jind.

While granting interim bail to the petitioner, following order was passed by this Court on 15.12.2020: -

“...Learned counsel for the petitioner submits that recovery involved in the present case is of 04 Kgs and 880 grams of poppy husk; petitioner is in judicial custody 23.04.2020 and the charges are yet to be framed.

Learned counsel for the petitioner further submits that due to Covid-19 situation, the trial is not proceeding and its conclusion may take a long time.

Learned counsel further submits that though the petitioner is involved in two other cases of non-commercial quantity, however, he is on bail in those cases.

Learned State counsel has raised an objection that in case the petitioner is granted concession of bail, he may misuse the same.

Adjourned to 19.05.2021.

In the meantime, the petitioner is ordered to be released on interim bail till the next date of hearing, subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

It is made clear that in case during this period, the petitioner is found involved in any other case, the interim bail shall be cancelled on the next date of hearing...”

This case is taken up after one and half year and in the intervening period, the case was adjourned by NIC.

Learned counsel for the petitioner submits that the petitioner has not misused the concession of interim bail and he is regularly appearing before the trial Court. It is further submitted that in the intervening period, no prosecution witness has been examined.

Learned State counsel, on instructions from ASI Hari Krishan, has

not disputed the factual position.

After hearing learned counsel for the parties and considering the aforesaid submissions, I deem it appropriate to confirm the order dated 15.12.2020.

Accordingly, this petition is allowed and the order dated 15.12.2020, vide which interim bail was granted to the petitioner by this Court, is made absolute.

[ARVIND SINGH SANGWAN]
JUDGE

07.09.2021
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No