

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

(Sr. No. 207)

CRM-M No. 8840 of 2021

Date of decision : 20.04.2022

Salim Khan

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. Sunil Saharan, Advocate for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

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DEEPAK SIBAL, J. (Oral)

On 17.12.2021, this Court passed the following order : -

“Through the present petition filed under Section 439 Cr.P.C. the petitioner seeks the grant of regular bail in FIR No.89 dated 07.04.2020 under Section 21(C), 27(A) of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Agroha, District Hisar.

Briefly stated, the petitioner is sought to be prosecuted as he was found travelling in an ambulance from which 500 grams of heroin was recovered from two of his co-accused.

Learned counsel for the petitioner submitted that the petitioner has been falsely implicated in this case; no recovery of any narcotics has been made from the petitioner; report under Section 173 Cr.P.C. has been filed and therefore neither is the petitioner needed for the purpose of investigation nor can he influence it; the petitioner has been in custody since 07.04.2020; co-accused Karan Singh @ Ran Singh, Surrender son of Hanuman, Ravinder Kumar and

Surender son of Nahar Singh have already been granted regular bail by this Court through CRM-M-22262-2020 - Karan Singh @ Ran Singh vs. State of Haryana, CRM-M-23955-2020 – Surender vs. State of Haryana, CRM-M-20153-2020 – Ravinder Kumar vs. State of Haryana and CRM-M-40311-2020 – Surender vs. State of Haryana and that the petitioner's trial, which is yet to begin, will take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that he has three other criminal cases pending against him which includes a case under Section 379-B IPC and that if released on bail the petitioner may indulge in similar offences.

On one hand, the petitioner has been in custody since the last over 01 year and 08 months; investigation in the case is complete; coaccused Karan Singh @ Ran Singh, Surender son of Hanuman, Ravinder Kumar and Surender son of Nahar Singh have already been granted regular bail by this Court through CRM-M-22262-2020 - Karan Singh @ Ran Singh vs. State of Haryana, CRM-M-23955-2020 – Surender vs. State of Haryana, CRM-M-20153-2020 – Ravinder Kumar vs. State of Haryana and CRM-M-40311-2020 – Surender vs. State of Haryana and the petitioner's trial, which is yet to begin, will take a long time to conclude while on the other hand, the petitioner is being prosecuted for being found travelling in an ambulance from which from two of his co-accused 500 grams of heroin was recovered and that the petitioner also faces three other criminal cases.

After considering the totality of the above facts, while adjourning the present petition to 20.04.2022, it is considered just and appropriate to direct that subject to the satisfaction of the CJM/Duty Magistrate, Hisar, the petitioner be released on interim bail till 16.04.2022.

It is clarified that on the adjourned date, subject to the petitioner's surrender, further orders in the present petition

would be passed on its merits after considering the conduct of the petitioner and the progress in his trial.”

Learned State counsel submits that in pursuance to the afore quoted order the petitioner was released on interim bail but after expiry thereof he has not surrendered.

In the light of the afore conduct of the petitioner he has disentitled himself even to be heard on merits to release him on bail.

Dismissed.

Superintendent of Police, Hisar shall file an affidavit within two weeks explaining therein the steps taken by the police to re-arrest the petitioner.

20.04.2022

sunil yadav

**(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No