

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

**CRM-M No.21492 of 2020 (O&M)
Date of Decision: 19.04.2022**

Subhash

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Kulvir Narwal, Advocate for the petitioner.

Mr. Ashok Kumar Sehrawat, DAG, Haryana
for the respondent.

MAHABIR SINGH SINDHU, J.

Second petition has been filed under Section 439 Cr.P.C. for grant of bail pending trial to the petitioner in FIR No.116 dated 02.05.2019, under Section 15 of the NDPS Act, registered at Police Station Badli, District Jhajjar.

Brief facts of the case are that ASI Rajesh along with other police officials was on patrolling duty at Bus Stop, Jahangirpur. A secret information was received to the effect that Pawan, Subhash (petitioner) and Balkar @ Baljeet @ Tau have indulged in smuggling of narcotic substances. Today, they would be coming from Gurgaon to Badli in a Container bearing registration No.HR-38-V-4798 with huge quantity of poppy husk and as such, after putting a *Nakabandi* (barricade) below

KMP Flyover, they can be caught with the contraband. On receipt of above information, a *Naka* was laid below the KMP Flyover and the said truck was apprehended along with the accused. Personal search of the accused as well as of vehicle was conducted in the presence of DSP and from the backside of container, 2 gunny bags as well as 3 plastic bags were found. On opening the same, it was found to be poppy husk.

This Court, on 24.11.2020, in main case, passed the following order:-

“ It has been pointed out by learned counsel for the petitioner that charges were framed on 18.09.2019, but till date, no prosecution witness has been examined.

On the other hand, learned State counsel has disputed the above contention and stated that one prosecution witness has already been examined.

Let actual position of the trial be ascertained on or before the next date of hearing.

Posted on 13.01.2021.

In the meanwhile, let petitioner be released on interim bail, till the next date of hearing, subject to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned. ”

Contentends that in compliance of above order, petitioner is regularly appearing before learned trial Court and no other criminal case pending against him.

The above factual position is duly acknowledged by learned State counsel.

In view of the above, this Court is of the opinion that sending the petitioner in custody at this stage would not serve any purpose.

Consequently, the present petition is allowed and interim bail granted by

this Court, vide order dated 24.11.2020, is confirmed. Petitioner be admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

Petitioner shall fully co-operate with the learned trial Court without seeking any unnecessary adjournments.

The above observations may not be construed as an expression of opinion on the merits of the case.

It is clarified that in case there is any misuse of concession of bail on the part of the petitioner, State of Haryana would be at liberty to move an appropriate application for recalling of this order.

April 19th, 2022
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No