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

CRM-M-36930-2021 (O&M)

Date of decision : 12.05.2022

Kapil

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. K.L. Saini, Advocate,
for the petitioner.

Mr. A.K. Sehrawat, DAG, Haryana.

MAHABIR SINGH SINDHU, J.

Petition under Section 439 Cr.P.C. for grant of bail pending trial to the petitioner in FIR No.328 dated 20.09.2018, under Sections 420 of the Indian Penal Code, 1860 and Sections, 20, 27-A & 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Sadar Jind, District Jind.

The allegations against the petitioner are that on 20.09.2018 at about 3.50 a.m., he along with his co-accused, namely, Rajesh was apprehended and 456.870 Kgs of *Ganja* had been recovered from his possession.

This Court, on 01.12.2021, while granting interim bail to petitioner passed the following order:-

“Contends that there is no progress in the trial as charges are yet to be considered against one of the co-accused, namely, Partap on 10.12.2021.

Posted on 04.02.2022.

Since petitioner is in custody for the last more than three years; therefore, till the next date of hearing, he be released on interim bail in this case, on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/CJM/Duty Magistrate, concerned. ”

Learned Counsel, on instructions from petitioner, submits that there is no progress in the trial at all. He also submits that in pursuance of the interim protection, petitioner is regularly appearing before learned trial Court.

The above factual position is duly acknowledged by learned State Counsel on instructions from the quarter concerned.

In view of the above, this Court is of the opinion that sending 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 01.12.2021, is made absolute. 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.

12.05.2022
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(MAHABIR SINGH SINDHU)
JUDGE

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