

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

**CRM-M No.3414 of 2021 (O&M)
Date of Decision: 05.09.2023**

Darshan Singh

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Parminder Singh Sekhon, Advocate for the petitioner.

Mr. Gagandeep Singh Chhina, AAG, Haryana for the respondent.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of bail pending trial to the petitioner in FIR No.105 dated 18.10.2020, under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Rori, District Sirsa.

2. Allegations are that petitioner was found in possession of 380 NRX Tramadol Hydrochloride Tablets without any permit or licence.

3. The Coordinate Bench, on 07.09.2021, granted interim bail to the petitioner in following manner:-

“This petition has been filed under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.105 dated 18.10.2020 registered under Sections 22 of NDPS Act at Police Station Rori District Sirsa.

It is submitted that the petitioner has remained in detention for almost 11 months. After completion of investigation, challan against him has already been filed but the trial is yet to commence. It is further submitted that no other case under the NDPS is stated to be registered or pending against the petitioner and that FSL report concerning the contraband has yet not been received.

In the circumstances, at this stage, the petitioner is permitted to be released on an interim bail to the satisfaction of trial Court/Duty Magistrate concerned, pending receipt of FSL report.

List against on 12.11.2021.”

4. It is not in dispute that aforesaid interim arrangement has been extended from time to time and petitioner is regularly appearing before the Court below.

5. Concededly, charges were framed on 02.08.2022 and out of total 11 prosecution witnesses, 06 have already been examined and 01 PW is given up.

6. Since the trial is likely to take sufficient long time; thus, in such a scenario, sending the petitioner in custody at this stage would not serve any purpose.

7. Consequently, the present petition is allowed. Interim bail granted to the petitioner, vide order dated 07.09.2021, is made absolute. He shall be admitted to bail on his furnishing bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

8. However, petitioner shall appear on each & every date of hearing and to fully co-operate with the learned trial Court without seeking any unnecessary adjournment(s).

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

10. 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.
11. Disposed off accordingly.
12. Pending application(s), if any, shall also stand disposed off.

September 5th, 2023
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

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