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

**CRM-M No. 16270 of 2020 (O&M)
Date of decision : 11.04.2023**

Sandeep @ Bittu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Raman Chawla, Advocate
for the petitioner.

Mr. Kiran Pal Singh, Assistant Advocate General, Haryana

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. 34, dated 10.01.2019, under Sections 21(c) & 8 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Sadar Bhiwani, District Bhiwani.

[2] Allegations are that petitioner was found in possession of 60 bottles of ONEREX and 180 capsules PARVON SPAS PLUS, 56 capsules of SPASMO PROXYVIO PLUS, 300 tablets of RESTON-0.5, without any permit or licence.

[3] This Court, on 03.09.2021, granted interim bail to the petitioner in the following manner:-

“ CRM-27830-2021

Application for placing on record relevant rules as

Annexure P-15.

Application is allowed as prayed for subject to all just exceptions. Annexure P-15 is taken on record. Registry to tag the same at appropriate place.

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Contends that petitioner is in custody since 10.01.2019 and there is no progress in the trial. Also contends that at the relevant point of time, petitioner was running a chemist shop in partnership with one Rajesh Kumar who is having a valid licence issued by the competent authority (P-12 to P-14).

Learned State counsel wishes to verify the above facts.

Posted on 23.11.2021.

Till the next date of hearing, let petitioner be released on interim bail in this case on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned. ”

[4] Learned counsel for petitioner submits that after grant of interim bail, he has been regularly appearing before the Court below; but there is no progress of trial at all. Again contended that petitioner is not involved in any other criminal case except present FIR. Lastly contended that there is no apprehension or allegation that in case petitioner is granted regular bail, he is likely to threaten the prosecution witnesses or hamper the trial in any manner.

[5] Learned State Counsel, on instructions from the quarter concerned, does not dispute the above factual position; rather acknowledged that out of total fifteen (15) prosecution witnesses, only two (02) have been examined till date.

[6] 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.

[7] Consequently, the present petition is **allowed**. Interim bail granted to the petitioner, vide order dated 03.09.2021, 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] Petitioner shall fully co-operate with the learned trial Court without seeking any unnecessary adjournments.

[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 petitioner, State of Haryana would be at liberty to move an appropriate application for recalling of this order.

Pending application(s), if any, shall also stand disposed off.

April 11, 2023
'dk kamra'

(MAHABIR SINGH SINDHU)
JUDGE

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