

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

**CRM-M No.27046 of 2021 (O&M)
Date of Decision: 14.03.2023**

Nitish Kumar

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Prabhjeet Singh Sullar, Advocate for the petitioner.

Mr. Kiran Pal Singh, 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.74 dated 12.03.2019, under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Parao, Ambala Cantt. District Ambala.

2. Allegations are that petitioner, along with other co-accused, was found in possession of 340 grams of *Heroin*.

3. This Court, on 27.07.2021, granted interim bail to the petitioner in following manner:-

“Concededly, case of the petitioner is similar to that of co-accused Kamal Singh, who has been granted interim bail in CRM-M-28211- 2020 vide order dated 15.03.2021 (P-2).

Posted on 14.09.2021.

To be heard along with CRM-M-28211-2020.

Interim bail in the same terms.”

4. Learned Counsel for the petitioner contends that out of total 23 prosecution witnesses, none has been examined till date and now trial is pending for 30.05.2023. Also contends that in compliance of aforesaid order, petitioner is regularly appearing before the Court below and there is no other criminal case pending against him.

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

6. Heard both sides and perused the paper-book.

7. Keeping in view the facts that petitioner is fully cooperating before the Court below and there is no allegation that in case he is granted bail pending trial, he will misuse the concession in any manner; thus, in such a scenario, sending the petitioner in custody at this stage would not serve any purpose.

8. Consequently, the present petition is allowed. Interim bail granted to the petitioner, vide order dated 27.07.2021, 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.

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

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

11. 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. Disposed off accordingly.

March 14th, 2023
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

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