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

**CRM M-32837-2021 (O&M)**

**Date of Decision: 01.03.2023**

Brajesh Kumar @ Brijesh Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

**CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU**

Present: Mr. Sandeep Verma, Advocate,  
for the petitioner.

Mr. Sandeep Chopra, DAG, Punjab  
assisted by ASI Jarnail Singh.

**MAHABIR SINGH SINDHU. J.**

Present petition has been filed under Section 439 Cr.P.C. for seeking regular bail, pending trial to the petitioner in FIR No.155 dated 08.05.2018, under Section 21 of Narcotic Drugs & Psychotropic Substances Act, 1985 (for short “the Act”) registered at Police Station Zirakpur, SAS Nagar, Mohali.

2. Allegations are that petitioner was found in possession of 275 grams of heroin.

3. This Court, on 21.09.2021, granted interim bail to the petitioner in the following order:-

*“Learned counsel for petitioner contends that on earlier occasion CRM-M-5856-2021 was dismissed as withdrawn in view of the statement made by learned State counsel to the effect that entire prosecution evidence has already been over, but as a matter of fact trial is still going on without any progress.*

*Faced with this situation, learned State counsel seeks time to have instructions.*

*Posted on 18.11.2021.*

*Since petitioner is in custody w.e.f. 08.05.2018, therefore, till the next date of hearing, he be released on interim bail in the present case on his furnishing adequate bail and surety bonds subject to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.”*

4. Learned counsel submits that petitioner was granted interim bail by this Court on 21.09.2021 and since then, he is regularly appearing before the learned trial Court. Also contends that entire prosecution evidence is over and now the case is fixed for defence evidence. Lastly submits that there is no other case pending against the petitioner.

5. Learned State counsel, upon instructions, has fairly acknowledged the above factual position.

6. Heard learned counsel for both the sides and perused the paper book.

7. Petitioner was granted interim bail by this Court and he is regularly appearing before the Court below. There is no allegation that he is likely to misuse the concession of bail or hamper the proceedings in any manner, in case his interim bail is made absolute. Thus 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 21.09.2021, 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.

9. Petitioner shall fully co-operate with the learned trial Court without seeking any unnecessary adjournment(s).

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 Punjab would be at liberty to move an appropriate application for recalling of this order.

01.03.2023  
SN

(MAHABIR SINGH SINDHU)  
JUDGE

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