

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

**CRM M-29741-2023 (O&M)**  
**Date of Decision: 09.10.2023**

Ajay

.....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, AAG Haryana.

**MAHABIR SINGH SINDHU. J.**

Present petition has been filed under Section 439 Cr.P.C. for grant of bail pending trial to the petitioner in FIR No.168 dated 16.03.2023, under Section 22-C of Narcotic Drugs & Psychotropic Substances Act, 1985, registered at Police Station City Hansi, District Hisar.

(2) On 16.03.2023 in the area of village Jaggabda, petitioner was found in possession of 500 injections of Pentazocin each weighing one ml.

(3) This Court, on 13.07.2023, while granting interim bail to the petitioner, passed the following order:-

*“Status report by way of affidavit of Sh. Dheeraj Kumar, Deputy Superintendent of Police, Hansi already filed is taken on record.*

*Learned counsel for the petitioner contends that recovery alleged against the petitioner is non-commercial in nature and he is in custody since 16.03.2023.*

*Also contends that after investigation, challan/report under Section 173 of Code of Criminal Procedure has already been presented and no other criminal case is pending against the petitioner; nor he is a previous convict.*

*Learned State counsel seeks time to verify the above factual position.*

*Posted on 04.09.2023.*

*In the meantime, petitioner is ordered to be released on interim bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned. ”*

(4) Learned counsel, on instructions from petitioner, submits that he has been regularly appearing before learned trial Court. Further contends that petitioner is not involved in any other case. Also contended that in case, petitioner is granted bail on regular basis, there is no apprehension or allegation that he shall influence the witnesses or tamper with the evidence in any manner.

(5) The above factual position is duly acknowledged by learned State Counsel, on instructions from quarter concerned.

(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 and interim bail granted vide order dated 13.07.2023, is made absolute. Petitioner 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 the petitioner, State of Haryana would be at liberty to move an appropriate application for recalling of this order.

09.10.2023  
SN

(MAHABIR SINGH SINDHU)  
JUDGE

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