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

CRM-M-38294-2021 (O&M)

Date of decision : 08.08.2023

Jashandeep Singh

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Aditya Sanghi, Advocate,
for the petitioner.

Mr. Kiran Pal Singh, AAG, 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.147 dated 02.07.2019, registered under Section 22(C) of the Narcotic Drugs and Psychotropic Substances, Act, 1985, at Police Station Kalanwali, District Sirsa.

2. It transpires that petitioner was granted interim bail by the Co-ordinate Bench on 05.08.2022 and relevant portion of the order reads as under:-

“The counsel for the petitioner submits that as per the allegations in the FIR, one Hyundai Verna car No.HR-26-AW-8114 was signalled to stop by the police officials and at that time the person who was driving the car stopped it at some distance and then ran away after getting down from the car and he succeeded in escaping taking advantage of darkness. That Chowkidar Sadhu Singh who was member

of the police party identified the said person, who escaped from the spot as petitioner-Jashandeep Singh. That on checking of the said car twenty five thousand tablets of Tramadol Hydrochloride 100 mg, Clovidol-100 SR were recovered. The counsel for the petitioner further contends that during investigation of the case, the petitioner was arrested on 2.5.2021 and that after completion of investigation challan has been presented and during trial aforesaid Chowkidar while appearing in the witness box has not supported the case of prosecution and copy of his statement is available on the record. The counsel for the petitioner further submits that in these circumstances as it will take time for the trial to conclude, petitioner is at least entitled to get concession of interim bail.

The aforesaid factual contentions have not been refuted by the State counsel. The State counsel has also not disputed the fact regarding deposition of Sadhu Singh Chowkidar and the custody period of the petitioner.

As per the testimony of Sadhu Singh Chowkidar, it appears that he has retracted from his previous statement and as such was declared hostile. It will take time for the trial to conclude. In the given circumstances this Court is of the view that the petitioner is entitled to get interim bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate concerned till the next date of hearing.

Now be listed on 22.11.2022. ”

3. Learned State counsel, on instructions, submits that petitioner has again indulged in criminal activity and an FIR No.38 dated 03.02.2023, under Sections 147, 148, 323, 324, 506 read with

Section 149 of the IPC, at Police Station Kalanwali, District Sirsa is registered against him in this regard.

4. Faced with the above situation, learned counsel for the petitioner, on instructions, wishes to withdraw the present petition, at this stage.

5. Ordered accordingly.

6. Needless to say that interim order dated 05.08.2022 stands vacated automatically. Petitioner shall surrender before learned trial Court/CJM/Duty Magistrate concerned within 01 (week) from the date of receipt of certified copy of this order.

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

08.08.2023
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(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/ reasoned</i>	:	<i>Yes</i>	/	<i>No</i>
<i>Whether reportable</i>	:	<i>Yes</i>	/	<i>No</i>