

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

CRM-M No.33602 of 2023 (O&M)

Date of Decision: 20.09.2023

Sarabjeet Singh

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Raghav Gulati, 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.168 dated 17.04.2023, under Sections 15-61-85 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Baldev Nagar, District Ambala.

(2) Allegations are that petitioner was found in possession of 4 Kg. 180 grams *Poppy Husk* without any permit or licence.

(3) This Court, on 20.07.2023, granted interim bail to the petitioner in following manner:-

“Contends that report under Section 173 Cr.P.C. has already been presented and recovery in this regard is alleged to be only 4 Kg. 180 Grams of Poppy Husk. Also contends that there is no other criminal case pending against the petitioner.

Learned State Counsel will verify the above factual position.

Posted for 19.08.2023. .

In the meanwhile, petitioner be released on interim bail in the present case till the next date of hearing on his furnishing adequate bail and surety bonds subject to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned..”

(4) Learned Counsel for the petitioner contends that in compliance of aforesaid order, petitioner is regularly appearing before the Court below. Also contends that as on today, there is no other criminal case pending against the petitioner.

(5) Learned State Counsel on instructions from the quarter concerned has acknowledged the above factual position.

(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 him 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 20.07.2023, 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.

September 20th, 2023
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

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