

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

**CRM M-35312-2023 (O&M)
Date of Decision: 18.08.2023**

Kush

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Ms. Shreya Rana, Advocate for
 Mr. Vijay Rana, Advocate
 for the petitioner.

Mr. Kiran Pal Singh, AAG Haryana.

MAHABIR SINGH SINDHU. J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure (for short “Cr.P.C”) for grant of pre-arrest bail to the petitioner in FIR No.0224 dated 30.08.2022, under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Ambala Sadar, District Ambala.

2. Reply by way of affidavit of Sh. Deepak Kumar Jewaria, IPS, Assistant Superintendent of Police, District Ambala filed on behalf of respondent-State is taken on record. Registry to tag the same at appropriate place.

3. This Court vide order dated 24.07.2023, granted interim bail to petitioner and the same reads as under:-

“Contends inter alia that petitioner could not appear on 16.05.2023 before the Court below on account of the fact that he slipped from the Bus and got fractured in his right foot.

Notice of motion.

On the asking of the Court, Mr. Viney Phogat, DAG, Haryana accepts notice on behalf of respondent and seeks time to have instructions and/or file written response in the matter.

Posted for 14.08.2023.

In the meanwhile, petitioner shall join investigation before the Investigating Officer. In the event of his arrest, the Arresting Officer would admit him to interim bail, till the next date of hearing, on furnishing adequate bail and surety bonds to his satisfaction. The petitioner shall also abide by all the conditions as envisaged under Section 438(2) of Code of Criminal Procedure, 1973.”

4. Learned counsel on instructions from petitioner submits that in pursuance of the aforesaid order, he has appeared before the learned trial Court and has been admitted to interim bail.

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

6. In view of above, interim order dated 24.07.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

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

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

9 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.

10. Disposed off accordingly.

11. Pending criminal misc. application(s), if any, shall also stand disposed off.

18.08.2023
SN

(MAHABIR SINGH SINDHU)
JUDGE

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