

206 (1st case)

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

CRM-M-42952-2021 (O&M)

Date of decision : 27.02.2023

Hanish Verma @ Jimmy

...Petitioner(s)

Versus

State of Punjab and another

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Tushar Wadhwa, Advocate,
for Mr. Sanjiv Gupta, Advocate,
for the petitioner.

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

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.0045 dated 06.05.2019, under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'the Act'*), registered at Police Station Kotwali Nabha, District Patiala.

2. Allegations are that petitioner along with co-accused Deepak Kumar, was found in possession of 3850 tablets of Clovidol-100 SR (Tramadol Hydrochloride tablets 100 mg.) and 456 injections of Fortwin (Pentazocine Lactate Injection IP).

3. This Court, in CRM-M-23630-2021, granted interim bail to the petitioner on 21.09.2021, in the following manner:-

“This petition has been filed under Section 439 Cr.P.C read with Section 482 Cr.P.C. for grant of interim bail pending trial in FIR No.45 dated 06.05.2019 under

Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Kotwali Nabha, District Patiala on account of medical treatment.

In pursuance of order dated 02.07.2021, written response has already been filed and perusal of Annexure R-1 reveals that the petitioner is suffering from Diabetics Ketoacidosis.

In view of the above, present petition is allowed and as a result thereof, the petitioner is granted interim bail for a period of four weeks forthwith in the present case to undergo the treatment from 22.09.2021 to 19.10.2021, subject to the conditions which may be imposed by the learned trial Court. Petitioner would surrender before the concerned jail authority on 20.10.2021 at 10.00 AM, positively.”

In the present case, on 14.10.2021, aforesaid interim bail was ordered to continue in the following terms:-

“Learned State counsel will file a short affidavit in response to the present petition.

Posted on 03.11.2021.

Till the next date of hearing, interim bail granted to the petitioner vide order dated 21.09.2021 in CRM-M-23630-2021 shall continue.”

4. Learned counsel contends that petitioner was granted interim bail by this Court on 14.10.2021 and which has been extended from time to time. Further submits that petitioner is regularly appearing before learned trial Court and the entire prosecution evidence stands concluded.

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; and 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.
8. Since trial is likely to take sufficiently long time, thus sending the petitioner in custody at this stage would not serve any purpose.
9. Consequently, present petition is allowed. Interim bail granted to the petitioner, vide order dated 14.10.2021, 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.
10. Petitioner shall fully co-operate with the learned trial Court without seeking any unnecessary adjournment(s).
11. The above observations may not be construed as an expression of opinion on the merits of the case.
12. 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.

27.02.2023
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(MAHABIR SINGH SINDHU)
JUDGE

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