

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

**CRM-M No.49005 of 2021 (O&M)
Date of Decision: 31.10.2023**

Jitender Sharma @ Johnny

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. S.S.Jattan, Advocate for the petitioner.

Mr. Vikram 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.332 dated 18.07.2020, under Section 21C, 29-61-85 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Mahesh Nagar, District Ambala.

(2) Allegations are that petitioner was found in possession of 1856 Capsules of SIMPLEXC Plus and 800 Tablets of Prozolam (commercial quantity) without any permit or licence.

(3) This Court, on 19.09.2023, granted interim bail to the petitioner in following manner:-

“Learned counsel contends that petitioner is in custody since 18.07.2020 and despite order dated 17.08.2022 as

well as subsequent reiteration, out of total 17 prosecution witnesses, only 3 have been examined till date.

Let this matter be brought to the notice of ld. District and Sessions Judge, Ambala and report in this regard be sent to the Registry.

Posted for 18.10.2023.

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.
- (5) Learned State Counsel on instructions from S.I. Roshan Lal has acknowledged the above factual position and also submitted that entire prosecution evidence is over.
- (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 19.09.2023, 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.

October 31st, 2023
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

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