

101

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

**CRM-M-1843-2023 (O&M)
Date of decision : 26.05.2023**

Vijay

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Ankur Malik, 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.162 dated 03.05.2020, under Sections 188, 269 of the Indian Penal Code, 1860 (*for short 'the IPC'*); Section 51(b) of the Disaster Management Act, 2005; & Sections 21(b)(c), 27-A of the Narcotic Drugs & Psychotropic Substances Act, 1985, registered at Police Station Sadar Fatehabad.

2. Allegations against the petitioner are that he was found in possession of 268 grams of Heroin.

3. This Court granted interim bail to the petitioner on 19.01.2023, in the following manner:-

“Contends, inter alia, that petitioner is in custody since 03.05.2020 and there is no other criminal case pending against him.

Learned State Counsel seeks time to verify the above factual position.

Posted on 28.02.2023.

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 petitioner was granted interim bail by this Court on 19.01.2023 and is regularly appearing before learned trial Court. There is no allegation that petitioner is likely to misuse the concession of bail. Also submitted that there is no other criminal case pending against the petitioner.

5. Learned State Counsel, on 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; thus, sending him in custody at this stage would not serve any purpose.

8. Consequently, present petition is allowed. Interim bail granted to the petitioner, vide order dated 19.01.2023, 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 appear on each & every date and fully co-operate with the learned trial Court without seeking any unnecessary adjournment(s).
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.

26.05.2023
atulsethi

(MAHABIR SINGH SINDHU)
JUDGE

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