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

CRM M-5115-2024 (O&M)

Date of Decision: 06.03.2024

Deepak Chauhan

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Baljeet Beniwal, Advocate,
for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

MAHABIR SINGH SINDHU. J.

Present petition has been filed under Section 439 Cr.P.C seeking bail pending trial in FIR No.932 dated 24.12.2023 registered under Sections 21-B & 29 Narcotic Drugs & Psychotropic Substances Act, 1985, at Police Station, Palla, District Faridabad.

2. Allegations in brief are that on 24.12.2023 co-accused Jaslok @ Jassi was apprehended by the Police while he was in possession of 5.85 grams of smack/*Herion*. Petitioner is alleged to be the supplier of the contraband.

3. Learned counsel submits that recovery alleged in the present case is non-commercial in nature. Further contends that petitioner was granted interim bail by this Court on 06.02.2024 and since then, he is regularly appearing before the learned trial Court.

4. Learned State counsel, upon instructions, has fairly acknowledged the above factual position.

5. Heard learned State counsel and perused the paper book.

6. This Court, on 06.02.2024, granted interim bail to the petitioner in the following order:-

“Contends that recovery alleged in the present case is non-commercial in nature; FSL report is yet to be received.

On request of learned State counsel, posted for 06.03.2024.

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.”

7. It transpires that petitioner has already been granted interim bail by this Court and he is regularly appearing before the learned trial Court. 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 the petitioner to 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 06.02.2024, is made absolute. He shall be admitted to bail on 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 adjournment(s).

10. The above observations be not 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. Also clarified that non-appearance of petitioner before learned trial Court shall be construed as misuse of the concession.

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

06.03.2024
SN

(MAHABIR SINGH SINDHU)
JUDGE

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