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

**CRM-M-9962-2024 (O&M)
Date of decision : 22.04.2024**

Danish

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Rajesh Lamba, Advocate,
for the petitioner.

Mr. Vikram Singh, AAG, Haryana.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail pending trial to the petitioner in FIR No.234 dated 10.08.2022, under Section 22(c) of the Narcotic Drugs and Psychotropic Substances, Act, 1985 (for short, 'the NDPS Act'), registered at Police Station Dhauj, District Faridabad.

2. Allegations are that 10 injections of Buprenorphine were recovered from the petitioner; whereas, 30 injections of Leegesic Buprenorphine and 10 injections of Buprenorphine were recovered from the co-accused-Ram Kishore @ Komal & Sahun, respectively, without any valid permit or licence.

3. Learned counsel for the petitioner contends that petitioner was granted interim bail by this Court on 01.03.2024 and he is regularly appearing before learned trial Court. There is no apprehension

that petitioner is likely to influence the prosecution witnesses or hamper the trial, in any manner.

4. Learned State Counsel, on instructions, has fairly acknowledged the above factual position.

5. Heard learned counsel for both the sides and perused the paper book.

6. It is a matter of record that petitioner was granted interim bail by this Court on 01.03.2024 and the order reads as under:-

“Contends that as per allegation of the prosecution, 10 injections of Buprenorphine were recovered from the petitioner. Further contends that similar recovery was allegedly effected from co-accused-Sahun and the Co-ordinate Bench while considering the same as non-commercial quantity granted bail to him vide order dated 05.12.2023 in CRM-M-34409-2023.

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

Posted for 22.04.2024.

In the meanwhile, petitioner be released on interim bail in the present case till the next date of hearing on furnishing adequate bail and surety bonds subject to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.”

7. It is acknowledged by learned State counsel that in terms of the aforesaid order, petitioner was released on interim bail and he is regularly appearing before learned trial Court; there is no allegation that he is likely to misuse the concession of bail or hamper the proceedings in case his interim bail is made absolute; therefore, sending the petitioner(s) to custody at this stage would not serve any purpose.

8. Consequently, present petition is allowed. Interim bail granted to the petitioner, vide order dated 01.03.2024, is made absolute. Petitioner 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 appear on each & every date of hearing and to 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.
12. Pending application(s), if any, shall also stand disposed off.

22.04.2024
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(MAHABIR SINGH SINDHU)
JUDGE

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