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

**CRM-M-23869-2023 (O&M)
Date of decision : 24.01.2024**

Vikram @ Pahadi

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Kartar Singh, 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.317 dated 15.10.2022, under Sections 21-B, 27-A of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station, City Ratia, District Fatehabad.

2. Allegations are that 50.66 grams Heroin was recovered from co-accused Vijay and Kamal Kumar.

3. This Court granted interim bail to the petitioner on 07.07.2023, in the following manner:-

“Contends that petitioner was not named in the FIR; rather nominated on the disclosure made by co-accused, namely, Kamal Kumar @ Kamal.

Also contends that even alleged contraband recovered from the main accused is non-commercial in nature.

Learned State Counsel will verify the pendency of other criminal cases against the petitioner.

Posted for 17.08.2023.

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 no recovery was effected from the petitioner in this case and he has been nominated on the basis of disclosure made by co-accused Kamal Kumar, from whom, 50 grams Heroin was recovered.

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. Since petitioner has already been granted the concession of interim bail; out of 20 prosecution witnesses, only 01 has been examined till date; and trial is likely to take some time; thus, sending the petitioner to custody at this stage will not serve any purpose. Consequently, interim bail granted to the petitioner, vide order dated 07.07.2023, 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. It is specifically ordered that in case there is recurrence on the part of the petitioner, State of Haryana shall be at liberty to move application for recalling of the order, as per law.

10. Also clarified that 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. Pending application(s), if any, shall also stand disposed off.

24.01.2024
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(MAHABIR SINGH SINDHU)
JUDGE

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