

216-1

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

CRM-M-29113-2023 (O&M)

Date of decision : 16.04.2024

Nishan Singh

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Sumeet Singh Brar, Advocate,
for Mr. Charanjit Singh Bahia, 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, 1973 for grant of bail pending trial to the petitioner in FIR No.85 dated 14.03.2022, under Sections 8, 27-A & 29 of the Narcotic Drugs and Psychotropic Substances, Act, 1985 (for short, 'the NDPS Act'), registered at Police Station Ellenabad, District Sirsa.

2. Allegations are that petitioner along with other co-accused was found in possession of 8 kg 400 gms. of Opium without any permit or licence.

3. Learned counsel for the petitioner contends that petitioner was granted interim bail by this Court on 17.08.2023 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. Also contends that there is no other criminal case pending against the petitioner.

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 17.08.2023 and the order reads as under:-

“Contends that there is no recovery alleged against the petitioner; rather he has been nominated on the basis of disclosure made by the co-accused. He is in custody since 22.03.2022 and after presentation of report under Section 173 Cr.P.C., charges have also been framed. Also submitted that there is no other case pending against the petitioner.

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

Posted on 14.09.2023.

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.”

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/her/their interim bail is made absolute; and he is not involved in any other case; therefore, sending the petitioner 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 17.08.2023, 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.

16.04.2024
atulsethi

(MAHABIR SINGH SINDHU)
JUDGE

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