



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

210

CRM-M-32181-2024 (O&M)
Date of Decision: 12.12.2024

Dharvinder Singh @ Kannu

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**Present:** Mr. S.S. Gill, Advocate for the petitioner.

Mr. Puru Jarewal, AAG, Punjab.

MAHABIR SINGH SINDHU, J.

Present third petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for seeking bail pending trial in FIR No. 259 dated 30.09.2022, registered under Sections 22 & 27 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act') at Police Station Patran, District Patiala.

2. Allegations are that 900 intoxicant tablets make tramadol prolonged release tablets IP 100 mg. tramatrust SR-100 were recovered from the petitioner.

3. Learned counsel for the petitioner contends that except the present case, petitioner is not involved in any other case under NDPS Act. Further contends that petitioner was arrested in the present case on 30.09.2022 and after remaining in custody for about 02 years and 01 month, was granted interim bail by this Court on 22.10.2024. Also contends that



in pursuance of the aforesaid order, he is regularly appearing before learned Special Court and there has been no progress of trial. Again contends that there is no allegation that petitioner is likely to misuse the concession or hamper the proceedings in any manner.

4. *Per contra*, learned State Counsel, on instructions from quarter concerned, has fairly conceded the above factual position and submits that petitioner is regularly appearing before learned Special Court. He also acknowledged that petitioner has not misused the concession of interim bail granted by this Court on 22.10.2024.

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

6. This Court granted interim bail to the petitioner on 22.10.2024 in the following manner:-

“ Contends that petitioner is in custody since 30.09.2022; after investigation, final report under Section 173 Cr.P.C. Was presented on 10.01.2023; and charges were framed on 13.04.2023; but out of total 15 prosecution witnesses, only 04 have been examined till date. Also contends that there is no other case pending against the petitioner under NDPS Act.

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

Posted 12.12.2024.

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. Learned State counsel has duly acknowledged that petitioner is regularly appearing before learned Special Court and there is no allegation that in case, interim bail is made absolute, he is likely to misuse the concession or hamper the proceedings in any manner. There has been no progress of trial after grant of interim bail to petitioner. In such a scenario,

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 22.10.2024, is made absolute. He shall be admitted to bail on furnishing bail/surety bonds to the satisfaction of learned Special Court/Chief Judicial Magistrate/Duty Magistrate concerned.

9. Petitioner shall appear on each & every date of hearing and to fully co-operate with learned Special 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 by the petitioner, State would be at liberty to move an appropriate application for recalling of this order.

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

12.12.2024

Harish Kumar

**(MAHABIR SINGH SINDHU)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No