

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

CRM-M-34710-2024 (O&M)

Date of decision: 12.12.2024

Sanjay

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Sandeep Kotla, Advocate for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana for the respondent.

MAHABIR SINGH SINDHU, J.

Second 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.191 dated 25.06.2023, under Sections 20 (b) (ii) (c), 27A & 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Uklana, Hisar, District Hisar.

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(2) Allegations are that co-accused, namely, Jagroop & Rakesh, were found in possession of 2.5 Kg. & 1.5 Kg. of *Sulpha*/Charas, respectively, without any license or permit. Petitioner was nominated on the basis of disclosure made by co-accused.

(3) Contends that petitioner was arrested in the present case on 04.11.2023 and after remaining in custody for about 01 year, was granted interim bail by this Court on 04.11.2024. Further contends that in pursuance of the aforesaid order, he is regularly appearing before learned Special Court and there has been no progress of trial. Also contends that there is no allegation that petitioner is likely to misuse the concession or hamper the proceedings in any manner.

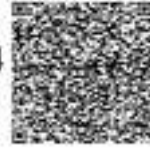
(4) *Per contra*, learned State Counsel, on instructions from quarter concerned, has fairly conceded the above factual position and submits that petitioner is regularly appearing before learned Special Court. Also acknowledged that petitioner has not misused the concession of interim bail granted by this Court on 04.11.2024.

(5) Heard learned Counsel for the parties and perused the paper-book.

(6) This Court, on 04.11.2024, granted interim bail to the petitioner in following manner:-

“Contends that petitioner was not named in the FIR; rather nominated on the basis of disclosure made by main accused, namely, Rakesh. Also contends that co-accused Sudhir @ Sudhir

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Singh, who also nominated along with the petitioner by said Rakesh, has been granted the concession of bail pending trial by the Coordinate Bench, vide order dated 15.07.2024 (P-3), passed in CRM-M-929-2024.

Learned State Counsel seeks time to have instructions about the fate of aforesaid order dated 15.07.2024.

Posted for 12.12.2024.

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) 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 04.11.2024, 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).

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- (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 petitioner, State would be at liberty to move an appropriate application for recalling of this order.
- (12) Disposed off accordingly.
- Pending application(s), if any, shall also stand disposed off.

12th December, 2024
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

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