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

CRM-M-43213-2023 (O&M)

Date of decision : 16.04.2024

Shiv Kant Sharma

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: None for the petitioner.

Mr. Praveen Bhadu, 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.376 dated 18.05.2023, under Sections 21-B & 29 of the Narcotic Drugs and Psychotropic Substances, Act, 1985 (for short, 'the NDPS Act'), registered at Police Station Surajkund, District Faridabad.

2. Allegations are that 7 grams of MDM (Mephedrone) was recovered from co-accused Mohd. Babul and petitioner was nominated in the present case on the basis of disclosure made by co-accused Aryan.

3. No one has come forward on behalf of the petitioner.

4. Learned State Counsel, on instructions, has fairly acknowledged that petitioner was granted interim bail by this Court on

13.12.2023 and he is regularly appearing before learned trial Court. There is no allegation that petitioner is likely to influence the prosecution witnesses or hamper the trial, in any manner. Also contends that no recovery was effected from the petitioner and there is no other criminal case pending against him.

5. Heard learned State counsel and perused the paper book.

6. It is a matter of record that petitioner was granted interim bail by this Court on 13.12.2023 and the order reads as under:-

“Contends inter-alia that main accused from whom alleged recovery was effected, has already been granted the concession of bail pending trial by learned trial Court.

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

Posted for 27.02.2024.

Till the next date of hearing, petitioner is ordered to be released on interim bail in this case on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/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 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 13.12.2023, 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
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(MAHABIR SINGH SINDHU)
JUDGE

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