



CRM-M No.43528-2024 1

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

219

CRM-M No.43528-2024 (O&M)  
Date of Decision: 12.12.2024

Sehbaz

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

**Present:** Mr. Barjinder Singh, Advocate for  
Mr. Prateek Pandit, Advocate for the petitioner.

Mr. S.S.Hira, DAG, Punjab.

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**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. 34 dated 02.03.2021, under Section 15 (C) of Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Bhogpur, District Jalandhar (Rural).

2. Allegations are that on secret information, petitioner along with co-accused were apprehended by police and 350 kilograms of *poppy husk* were recovered from the truck.

3. Learned counsel for the petitioner contends that petitioner was arrested in the present case on 02.03.2021 and after remaining in custody for about 03 years and 07 months, was granted interim bail by this Court on 16.10.2024. 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. Further submits that there is no allegation that petitioner is



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4.            *Per contra*, learned State Counsel, on instructions from quarter concerned, has acknowledged 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 16.10.2024.

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

6.            This Court granted interim bail to the petitioner on 16.10.2024 in the following manner:-

*“Contends that petitioner is in custody since 02.03.2021 and out of total 13 prosecution witnesses, only 06 have been examined till date.*

*Learned State Counsel will take instructions in the matter.  
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 16.10.2024, 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).



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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 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**  
Rajeev (rvs)

**(MAHABIR SINGH SINDHU)**  
**JUDGE**

|                           |        |
|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |