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

**CRM-M-63335-2023 (O&M)
Date of decision : 29.04.2024**

Ram Babu Gupta

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Ms. Shweta Bawa, Advocate,
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.128 dated 10.04.2023, under Section 21(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Faridabad Old, District Faridabad.

2. Allegations are that 225 grams of Smack was recovered from co-accused-Sunder @ Guruji, who further disclosed the name of one Kuldeep. Petitioner has been nominated in the present case on the basis of disclosure made by said Kuldeep.

3. Learned counsel for the petitioner contends that petitioner was granted interim bail by this Court on 21.12.2023 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.

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 21.12.2023 and the order reads as under:-

“Learned counsel for the petitioner submits that the petitioner is in custody since 05.06.2023 and no recovery is alleged to have been effected from him. It is further contended by learned counsel for the petitioner that there is no other criminal case pending against the petitioner as on today and report under Section 173 Cr.P.C. has already been submitted by the prosecution.

Learned State counsel seeks time to verify the aforesaid assertions.

Posted for 20.02.2024.

In the meanwhile, petitioner be released on interim bail in the present case till the next date of hearing on furnishing bail and surety bonds to the satisfaction of learned Court 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; thus, 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 21.12.2023, 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.

29.04.2024

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**(MAHABIR SINGH SINDHU)
JUDGE**

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