

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

CRM-M No.22922 of 2013 (O&M)

Date of Decision: 30.04.2019

Ravinder Singh @ Shoki

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Sanjay Gupta, Advocate for the petitioner.

Mr. C.L.Pawar, Sr. DAG, Punjab for the respondent.

Mr. Himmat Singh Deol, Advocate for the complainant.

MAHABIR SINGH SINDHU, J. (Oral)

Present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of bail pending trial to the petitioner in case FIR No.43 dated 12.04.2013 (P-1), under Sections 21/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station City, Hoshiarpur.

On 23.09.2013, this Court passed the following order:-

“ The petitioner prays for grant of regular bail in FIR No. 43 dated 12.04.2013, registered at Police Station PS City, Hoshiarpur, for offence under sections 21/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

Notice of the application to Advocate General, Punjab.

On asking of the Court, Mr. Param Preet Singh Paul, DAG, Punjab, accepts notice.

Counsel for the petitioner submits that as in CRM M 15299 of 2013, a direction has been issued by this Court for probe to be conducted by the Special Investigation Team (in short 'SIT'), to be formed by the Director General of Police (Vigilance), Punjab, with a further direction to complete the proceedings within a period of three months from the date of constitution of SIT in compliance

with the directions issued by this Court, the petitioner may be allowed interim bail pending conclusion of proceedings by SIT.

Counsel for the State of Punjab has opposed the prayer for bail on the plea that keeping in view the seriousness of the allegations against the petitioner that he was found in possession of 525 grams of intoxicant powder, which was found to be heroin in view of its analysis by the Forensic Science Laboratory, the petitioner is likely to abscond, in case, released on bail.

Vide order of even date passed in CRM M 15299 of 2013, directions have been issued to the Director General of Police (Vigilance), Punjab to constitute SIT to conduct a probe in regard to recovery of incriminating material from the accused as well as allegations by the accused that the police party headed by ASI Narinder Pal Singh, CIA Staff, Hoshiarpur, taken away approximately an amount of Rs.4,00,000/- from his shop i.e. Ranjeeta Finance. The proceedings before the trial Court have also been ordered to be stayed. There are no allegations that the petitioner is not a permanent resident of Hoshiarpur. Rather the allegations against the petitioner are that he is doing the business of finance under the name and style of Ranjeeta Finance and many criminal cases under the Excise Act have been registered against him. It is none of the plea of the respondent that the petitioner ever absented from the proceedings of those cases or created any impediment in the administration of justice.

In view of the fact that the proceedings pending before the trial Court have been stayed and the matter has been referred for investigation by SIT to be constituted by the Director General of Police (Vigilance) Punjab and the said SIT would function under the direct supervision of the Director General of Police (Vigilance) Punjab, without commenting upon the merits of the controversy, the petitioner is ordered to be released on interim bail on his furnishing personal bond in the sum of Rs.50,00,000/- with one surety of the like amount to the satisfaction of the trial Court/Duty Magistrate.

Adjourned to 13.12.2013.

To be heard with CRR No. 2620 of 2013. ”

Learned Counsel for the petitioner submits that the concession of interim bail, granted to the petitioner by way of the above order, is

continuing till date and he is regularly appearing before learned trial Court.

Learned State Counsel, on instructions from ASI Kirpal Singh, has acknowledged the above fact and submitted that trial is going on smoothly and out of total 12 prosecution witnesses, two have already been examined and now the case is fixed for examination of the prosecution witnesses on 17.05.2019.

In view of the above factual position, it is apparently clear that petitioner was granted the benefit of interim bail by this Court wayback on 23.09.2013 and he is fully cooperating with the proceedings before learned trial Court. Even learned State Counsel has also not raised any objection that petitioner has misused the concession of interim bail in any manner uptill date. Consequently, interim order dated 23.09.2013 is made absolute till the conclusion of the trial subject to furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.

The above observations may not be construed as an expression of opinion on the merits of the case.

However, it is clarified that petitioner shall fully co-operate with learned trial Court without seeking any unnecessary adjournments.

April 30, 2019

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**(MAHABIR SINGH SINDHU)
JUDGE**

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes</i>