

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.5432 of 2021 (O&M)

Date of Decision: 16.05.2022

Mohan Pal

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. P.K.S.Phoolka, Advocate for the petitioner.

Mr. Charanpreet Singh, AAG, Punjab for the respondent.

MAHABIR SINGH SINDHU, J.

Second petition has been filed under Section 439 of the Code of Criminal Procedure for grant of bail pending trial to the petitioner in FIR No.60 dated 07.05.2020, under Sections 15/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Sadar Khanna, District Ludhiana.

Brief facts of the case are that on 06.05.2020, S.I. Akash Dutt along with other police officials was present in front of Police Post Kot in official Bolero vehicle in connection with *Nakabandi* duty on account of imposition of Curfew in the State of Punjab due to outbreak of Covid-19 Pandemic. At about 10:15 PM, one truck bearing registration No.PB-10-GZ-3794 came there, which was stopped. Two persons were travelling in the said Truck. On enquiry, driver (owner) of Truck disclosed his name as Simranjit Singh, whereas person sitting on Conductor seat disclosed his name as Mohan Pal (petitioner). Investigating Officer asked them to disclose the reason of their roaming despite curfew, but

they did not give any satisfactory reply. On suspicion, S.I. Akash Dutt conducted search of said truck as well as of petitioner and his co-accused. During search, three bags containing *poppy husk* were recovered and out of which, two were containing 25 Kgs. *Poppy Husk* (each); whereas third bag was of 30 Kgs. *Poppy husk*. Thereafter, S.I. Akash Dutt seized total 80 Kgs. of contraband and arrested the petitioner as well as his co-accused.

This Court, on 18.02.2022 while granting interim bail to petitioner, passed the following order:-

“Learned counsel for the petitioner contends that the petitioner is in custody since 07.05.2020; his co-accused has already been granted the concession of interim bail vide order dated 14.01.2022 passed in CRM-M- 38008-2020 and there is no criminal case pending against him.

Learned State counsel will verify the above factual position.

Posted on 16.05.2022.

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.

To be heard alongwith CRM-M-38008-2020.”

Learned Counsel, on instructions from petitioner, submits that he is regularly appearing before learned trial Court. Also submits that there is no apprehension that he is likely to interfere in the proceedings before learned trial Court or to influence the prosecution witnesses in any manner.

The above factual position is duly acknowledged by learned State Counsel.

Also necessary to mention here that co-accused, namely, Simranjit Singh, has also been granted the concession of bail while allowing CRM-M-38008-2020, vide order of even date.

In view of the above, this Court is of the opinion that sending the petitioner in custody at this stage would not serve any purpose. Consequently, the present petition is allowed and interim bail granted by this Court, vide order dated 18.02.2022, is made absolute. Petitioner be admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

Petitioner shall fully co-operate with the learned trial Court without seeking any unnecessary adjournments.

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

It is clarified that in case there is any misuse of concession of bail on the part of the petitioner, State of Punjab would be at liberty to move an appropriate application for recalling of this order.

May 16th, 2022
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>