

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

**CRM-M No. 16432 of 2021 (O&M)
Date of Decision: 22.12.2022**

Dara Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: None for the petitioner.

Ms. Lavanya Paul, Deputy Advocate General, Punjab

MAHABIR SINGH SINDHU, J.

1. Third 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. 98, dated 31.08.2018, under Sections 399, 402 of the Indian Penal Code, 1860; Section 25 of Arms Act, 1989; and Section(s) 22/29 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Kiratpur Sahib, District Roopnagar.

2. Above FIR was registered on the statement of ASI Gurmukh Singh, when he got information that Gurcharan Singh alongwith **Dara Singh (petitioner herein)**, Taj Mohamad, Gupreet Singh and Satti armed with weapons were preparing to commit a dacoity and both can be apprehended. Police party recovered country made pistol .315 bore alongwith 15 gram of intoxicant powder from the petitioner, which, as per chemical report, was found to be Diphenoxylate Hydrochloride.

3. This Court, on 02.09.2021, while granting interim bail to the petitioner, passed the following order:-

“ Contends that petitioner is in custody since 31.08.2018 and there is no progress in the trial.

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

Posted on 18.11.2021.

Keeping in view the custody of petitioner, let he be released on interim bail in this case on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned. ”

4. Although no one is appearing on behalf of petitioner, but learned State Counsel, upon instructions from police official, submits that after grant of interim bail, petitioner is regularly appearing before the Court below. Also submitted that after framing the charge on 11.12.2018, out of twelve (12) prosecution witnesses, only six (06) have been examined and trial is now pending for 10.01.2023. Further acknowledged, upon instructions, that there is no likelihood of interference with the trial Court proceedings in case petitioner is granted regular bail.

5. 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.

6. Consequently, the present petition is **allowed** and interim bail granted vide order dated 02.09.2021, is made absolute. Petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

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

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

9. 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.

December 22, 2022
'dk kamra'

(MAHABIR SINGH SINDHU)
JUDGE

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