

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

**CRM-M No.24249 of 2020 (O&M)  
Date of Decision: 15.12.2022**

Gurcharan Singh @ Charni

..... Petitioner

*Versus*

State of Punjab

..... Respondent

**CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**

Present:- None for the petitioner.

Mr. R.K.Kapoor, Addl. A.G., Punjab for the respondent.

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**MAHABIR SINGH SINDHU, J.**

Present 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.83 dated 26.07.2017, under Sections 15, 25, 29 of the Narcotic Drugs and Psychotropic Substances, Act, 1985 (*for short 'the Act'*), registered at Police Station Barnala, District Barnala.

2. Allegations are that on 26.07.2017, petitioner, along with Balpreet Singh @ Balli, Gurjoban Singh, Gurwinder Singh @ Kaka and Kuldeep Singh @ Babli, was found in conscious possession of 25 bags of *poppy husk* (each bag containing 36 Kgs.), while travelling in truck bearing registration No.PB-13AB-6317.

3. This Court, on 01.03.2021, granted interim bail to the petitioner in the following manner:-

*“Learned State counsel is not able to point out as to whether petitioner was driving the truck in question or he is the owner of the same?”*

*He seeks further time to have instructions in the matter.*

*On his request, adjourned to 11.05.2021.*

*Since the petitioner is in custody for the last more than 3 (three) years and six (6) months, therefore, till the next date of hearing, he be released on interim bail, in this case, subject to the satisfaction of learned Trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.”*

4. Learned State Counsel, on instructions, submits that petitioner is regularly appearing before learned trial Court and there is no other criminal case pending against him.

5. In view of the above, there is no hesitation to record twin-test satisfaction in terms of Section 37 of the Act to the following effect:-

*(i) From perusal of paper-book, prima facie, it is not discernable that provisions of Section 50 of the Act were complied with at the time of alleged recovery; thus, it can be termed as a reasonable ground for believing that petitioner is not guilty of offence at this stage;*

*(ii) Petitioner was granted interim bail and has not misused the concession of the same; thus he is not likely to commit any offence in case of releasing on regular bail.*

6. In such a situation, sending the petitioner in custody would not serve any purpose. Consequently, the present petition is allowed. Interim bail granted to the petitioner, vide order dated 01.03.2021, is made absolute. He shall 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 15<sup>th</sup>, 2022  
Gagan

( MAHABIR SINGH SINDHU )  
JUDGE

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