

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

**CRM-M No.25488 of 2020 (O&M)
Date of Decision: 16.05.2022**

Sanjay @ Sanjeev Kumar @ Sandeep

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Lokesh Vohra, Advocate (Legal Aid Counsel),
for the petitioner.

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

MAHABIR SINGH SINDHU, J.

Second petition has been filed under Section 439 Cr.P.C. for grant of bail pending trial to the petitioner in FIR No.84 dated 12.10.2018, under Section 22 of the Narcotic Drugs and Psychotropic Substances, Act, 1985, registered at Police Station City 1, Sangrur, District Sangrur.

Brief facts of the case are that on 12.10.2018 at about 8:15 PM, when police party was present on Ubhawal road, 'T' point Baguana on patrolling duty and searching for miscreants, one white car bearing registration No.PB-13-BB-5668, make Swift, was spotted coming from the side of Village Ubhawal. Police party signaled to stop the said Car, but its driver tried to return back and Car switched off. On enquiry, driver of Car disclosed his name as Sanjay @ Sandeep (petitioner), whereas person sitting on Conductor seat disclosed his name as Lakho.

Investigating Officer told them about his rank and also stated that he is having suspicion of some intoxicant material in the the said Car. He further apprised them about their legal rights to get search conducted in the presence of Magistrate or Gazetted Officer, however, both of them reposed faith on the Investigating Officer. Upon search of the boot of Car, a plastic bag was found containing tablets make Tramadol Hydrochloride Tablets 100 mg Clovidol-100 SR, in the shape of 1450 strips, each containing 10 tablets, total 14500. Second plastic bag was also found, containing Tramadol Hydrochloride Tablets 100 mg. Clovidol-100 SR in the shape of 600 strips, each containing 10 tablets, total 6000. The said recovery was more than commercial quantity.

This Court, on 26.11.2021 while granting interim bail to petitioner, passed the following order:-

“ *Learned State counsel seeks time to verify the status of trial.*

Posted on 07.02.2022.

Petitioner is stated to be in custody since 12.10.2018 and co-accused has already been granted the concession of interim bail vide order dated 05.09.2019 passed in CRM M-31087 of 2019. Therefore, let petitioner be also released on interim bail in this case, till the next date of hearing, on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/CJM/Duty Magistrate, concerned. ”

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

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

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 26.11.2021, 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

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(MAHABIR SINGH SINDHU)
JUDGE

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