

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

**CRM-M No. 41606 of 2020 (O&M)
Date of Decision: 12.12.2022**

Gurpreet Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Rajdeep Singh Gill, Advocate for
Mr. Jashandeep Singh Sandhu, Advocate
for the petitioner.

Mr. D.K. Singal, Additional Advocate General, Punjab

MAHABIR SINGH SINDHU, J.

1. Present petition has been filed under Section 439 of Criminal Procedure Code for seeking regular bail, pending trial in FIR No. 19, dated 11.04.2019, for offence punishable under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short “the Act”), registered at Police Station Mehal Kalan, District Barnala (Punjab).

2. As per allegations in the FIR, on 11.04.2019, petitioner-accused was apprehended by a police party headed by Inspector Mohar Singh in the presence of DSP Ravinder Singh and found in possession of 750 strips (each strip of 10 tablets) of intoxicant tablets, i.e. CLOVIDOL 100-SR (total 7,500 tablets).

3. This Court, on 17.11.2021, granted interim bail to petitioner in the following manner:-

“In terms of order dated 27.04.2021, learned State counsel, on instructions from ASI Balwinder Singh, has apprised the Court that there is no other criminal case pending against petitioner.

Learned counsel for petitioner contends that there is no progress in the trial and petitioner is in custody since 11.04.2019.

Learned State counsel will verify the above factual position.

Posted on 17.01.2022.

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. Learned counsel for petitioner submits that no offer was given to petitioner by police officials; thus there is non-compliance of mandatory provision of Section 50 of the Act. He further submits that after grant of interim bail, petitioner has been regularly appearing before the Court below. Again contended that petitioner is not involved in any other NDPS case, except present FIR. Lastly contended that there is no apprehension or allegation that in case, petitioner is granted bail, he is likely to threat the prosecution witnesses or hamper the trial in any manner.

5. Learned State Counsel, upon instructions from ASI Gurmail Singh, does not dispute the above contention(s), rather submits that out of total 19 prosecution witnesses, 10 have been examined and trial is pending for 19.12.2022.

6. In view of the above, sending the petitioner in custody at this stage will not serve any purpose. Moreover, in the opinion of this Court, non-compliance of Section 50 is also a sufficient ground to record the satisfaction in terms of Section 37 of “the Act” for the purpose of granting bail pending trial to petitioner.

7. Consequently, the present petition is **allowed**. Interim bail granted to the petitioner, vide order dated 17.11.2021, 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.

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

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

10. 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 12, 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>