

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

**CRM-M No.43020 of 2020 (O&M)
Date of Decision: 11.05.2022**

Rohit @ Dari

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Akshay Rana, Advocate for the petitioner.

Ms. Akshita Chauhan, 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.123 dated 16.11.2018, under Sections 22, 25, 61 of the Narcotic Drugs and Psychotropic Substances, Act, 1985, registered at Police Station Mamdot, District Ferozepur.

Brief facts of the case are that on 16.11.2018, Inspector Ranjit Singh along with other police officials was on patrolling duty. When they reached at the gate of Stadium, Mamdot, then one Indica Car bearing registration No.PB-05Q-1115 came there. Inspector Ranjit Singh signaled to stop the said Car, but its driver tried to return back and Car switched off. Five persons were travelling in the said Car. On enquiry, driver of Car disclosed his name as Judge Kumar @ Judge, person sitting on Conductor seat disclosed his name as Jaspreet @ Sahbi, persons sitting on the rear seats disclosed their names as Rohit @ Dari (petitioner); Jora @ Ghodi and

Rahul. Investigating Officer told them about his rank and also stated that he is having suspicion of some intoxicant material in the polythene lying on the thighs of Judge Kumar. He further apprised them about their legal rights to get search conducted in the presence of Magistrate or Gazetted Officer, however, Judge Kumar reposed faith on the Investigating Officer. Upon search, 115 strips of tablets, each strip containing 10 tablets (total 1150 tablets) of Alprazolam ALPAX-05 were recovered.

This Court, on 26.08.2021 while granting interim bail to petitioner, passed the following order:-

“ Contends that petitioner is in custody since 16.11.2018 and there is no progress in the trial as the charges are yet to be framed.

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

Posted on 16.11.2021.

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. ”

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 by fairly submitting that till date, no prosecution witness has been examined in this case.

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 26.08.2021, 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 11th, 2022
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

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