

CRM-M-2543-2022 (O&M)

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223 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-2543-2022 (O&M)  
Date of decision : 23.11.2023

Mohd. Irfan

...Petitioner

Versus

State of Punjab

...Respondent

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

Present : Mr. P.S.Sekhon, Advocate,  
for the petitioner.

Mr. Joginder Pal Ratra, Sr. DAG, Punjab,  
for the respondent.

**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.65 dated 19.05.2021, under Sections 21, 22 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station City Dhuri, District Sangrur.

2. Above FIR was registered with the allegations that petitioner was found in possession of some intoxicant substance.

3. This Court, on 06.09.2023, granted interim bail to petitioner and relevant part of the same is recapitulated as under:-

*“Contends inter alia that the petitioner is in custody since 19.05.2021, there are total 23 prosecution witnesses, but only 03 have been examined till date.*

*Learned State Counsel seeks time to have instructions regarding delay in trial.*

*Posted on 12.10.2023.*

*In the meanwhile, petitioner be released on interim bail in the present case till the next date of hearing on his furnishing adequate bail and surety bonds subject to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.”*

4. Learned counsel for the petitioner contends that petitioner was granted interim bail by this Court on 06.09.2023. Also contends that after passing of the said order, petitioner is regularly appearing before learned trial Court and there is no apprehension to either the prosecution witnesses or that he is likely to hamper the trial, in any manner.

5. Learned State counsel, after obtaining instructions from quarter concerned, is not able to dispute the aforesaid factual position.

6. Heard learned counsel for both the sides and perused the paper book.

7. Petitioner was granted interim bail by this Court and he is regularly appearing before the Court below; there is no allegation that he is likely to misuse the concession of bail or hamper the proceedings in any manner, in case his interim bail is made absolute; thus, sending him in custody at this stage would not serve any purpose.

8. Consequently, present petition is allowed. Interim bail granted to the petitioner, vide order dated 06.09.2023, is made absolute. He shall be

admitted to bail on furnishing bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

9. Petitioner shall appear on each & every date and fully co-operate with the learned trial Court without seeking any unnecessary adjournment(s).

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

11. It is clarified that in case there is any misuse of concession of bail on the part of the petitioner, State would be at liberty to move an application for recalling of this order

12. Pending application(s), if any, shall also stand disposed off.

23.11.2023  
adhikari

(MAHABIR SINGH SINDHU)  
JUDGE

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