

204

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM M-2020-2020 (O&M)
Date of Decision: 22.02.2023

Rohit Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Vishal R. Lamba, Advocate,
for the petitioner.

Mr. Sandeep Chopra, DAG, Punjab
assisted by SI Jagdish Kumar.

MAHABIR SINGH SINDHU. J.

Present petition has been filed under Section 439 Cr.P.C. for seeking regular bail, pending trial to the petitioner in FIR No.104 dated 22.08.2018, under Section 15 of Narcotic Drugs & Psychotropic Substances Act, 1985 (for short “the Act”) registered at Police Station Division No.2, Pathankot, District Pathankot.

2. Allegations are that petitioner was found in possession of 102 kgs of poppy husk, without any permit or licence.
3. This Court, on 24.11.2020, granted interim bail to the petitioner in the following order:-

“Learned State counsel, on instructions from ASI Harpreet Singh, has apprised the Court that charges against the petitioner were framed on 21.05.2019, but till date, no prosecution witness has been examined; however, he seeks time to have the latest status of trial.

On his request, adjourned to 11.01.2021.

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

4. Learned counsel submits that petitioner was granted interim bail by this Court on 24.11.2020 and since then, he is regularly appearing before the learned trial Court. Also contends that entire prosecution evidence is over and now the case is pending for defence evidence. Lastly submits that there is no other case pending against the petitioner.
5. Learned State counsel, upon instructions, has fairly acknowledged the above 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 the petitioner in custody at this stage would not serve any purpose.
8. Consequently, the present petition is allowed. Interim bail granted to the petitioner, vide order dated 24.11.2020, 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.
9. Petitioner shall 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 of Punjab would be at liberty to move an appropriate application for recalling of this order.

22.02.2023
SN

(MAHABIR SINGH SINDHU)
JUDGE

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