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

**CRM M-2213-2020 (O&M)
Date of Decision: 01.03.2023**

Dinesh Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

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

Mr. Sandeep Chopra, DAG, Punjab
assisted by Karamjit Singh.

MAHABIR SINGH SINDHU. J.

Present second petition has been filed under Section 439 Cr.P.C. for seeking regular bail, pending trial to the petitioner in FIR No.83 dated 06.05.2019, under Section 22 of Narcotic Drugs & Psychotropic Substances Act, 1985 (for short “the Act”) registered at Police Station Canal Colony, District Bathinda.

2. Allegations are that petitioner was found in possession of 30 vials of Wincirex each containing 100 ml, without any permit or licence.
3. This Court, on 03.12.2020, granted interim bail to the petitioner in the following order:-

“Learned counsel for the petitioner has made a reference to the relevant part of the cross-examination of PW-1/Investigating Officer, which reads as under:-

“We saw the accused near about 15/20 karams. The accused were sitting on the ground at a distance of about 2 feet from the case property. Both the accused were sitting at a

distance of about 2 feet from each other. Two and three persons were standing near the case property. I did not enquire from the said three person regarding the contraband.”

Faced with the situation, learned State counsel seeks time to have instructions in the matter.

On his request, adjourned to 16.02.2021.

In the meanwhile, let petitioner-Dinesh Kumar be released on interim bail, in this case, till the next date of hearing, subject to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.”

4. Learned counsel submits that petitioner was granted interim bail by this Court on 03.12.2020 and since then, he is regularly appearing before the learned trial Court. Also contends that entire prosecution evidence is over. 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 03.12.2020, 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.

01.03.2023
SN

(MAHABIR SINGH SINDHU)
JUDGE

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