

210(1)

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

**CRM-M-4000-2022 (O&M)
Date of decision : 14.11.2023**

Kawaljit Singh @ Kamaljit Singh

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Satnam Singh Gill, Advocate for the petitioner.

Mr. C.L. Pawar, Addl.A.G., Punjab.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail pending trial to the petitioner in FIR No.52 dated 27.04.2021, under Sections 15, 29 (Section 25 added subsequently) of the Narcotic Drugs and Psychotropic Substances, Act, 1985 (*for short 'the Act'*), registered at Police Station Dhanaula, District Barnala.

2. Allegations are that the petitioner was apprehended while in possession of 6 bags of poppy husk weighing 25 kgs. each.

3. The Coordinate Bench, on 24.05.2023, granted interim bail to the petitioner in the following manner:-

“Status report by way of affidavit of Mr. Satbir Singh, DSP, Sub-Division, Barnala filed on behalf of the State is ordered to be taken on record along with medical report and custody certificate of the petitioner. As per medical report (Annexure R-1), the petitioner is taking

insulin as his pancreas are not working properly and in addition to this the petitioner has to take some enzymes in form of medicines in the food and he is suffering from severe abdomen pain.

As per the custody certificate, the custody of the petitioner comes out to be more than 2 years and 21 days. The State counsel apprised that the trial is at initial stage as till date only 1 witness has been examined out 16 witnesses on behalf of the prosecution.

In view of the above, taking into consideration medical condition of the petitioner, the petitioner is hereby directed to be released on interim bail till 24.8.2023 subject to satisfaction of CJM/Duty Magistrate concerned on his furnishing requisite bail and surety bonds and to surrender by 12:00 noon on 25.8.2023.

Now be listed on 29.8.2023.

Photocopy of this order be placed on the connected file.”

4. Learned counsel for the petitioner contends that petitioner was granted interim bail by this the Coordinate Bench on 24.05.2023 and he is regularly appearing before learned trial Court. There is no apprehension that he is likely to threaten the prosecution witnesses or that he is likely to hamper the trial, in any manner.

5. Learned State Counsel, on 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 the Coordinate Bench 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 24.05.2023, is made absolute. He shall be admitted to bail on furnishing fresh bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

9. Petitioner shall appear on each & every date of hearing and to 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.

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

14.11.2023
atulsethi

(MAHABIR SINGH SINDHU)
JUDGE

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