

203

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

**CRM-M-4944-2021 (O&M)
Date of decision : 19.04.2023**

Amritpal Singh @ Guggi

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Ranjit Singh Sidhu, Advocate,
for Mr. Gopal Singh Nahel, Advocate,
for the petitioner.

Ms. Lavanya Paul, DAG, Punjab.

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.71 dated 27.03.2019, under Sections 22 & 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'the Act'*), registered at Police Station Lehra, District Sangrur.

2. Allegations are that petitioner was found in possession of 1200 tablets of Tramadol Hydrochloride without any licence or permit.

3. This Court granted interim bail to the petitioner on 12.02.2021, in the following manner:-

“Contends that petitioner is in custody since 26.03.2019 and charges were framed on 04.01.2020, but out of 21 prosecution witnesses, none has been examined till date.

Learned State counsel seeks time to verify the same.

Posted on 05.05.2021.

Let the petitioner be released on interim bail, till the next date of hearing, on his furnishing bail bond and surety bond to the satisfaction of learned trial Court/CJM/Duty Magistrate, concerned.”

4. Learned counsel contends that petitioner was granted interim bail by this Court on 12.02.2021 and he is regularly appearing before learned trial Court. Further submits that all the prosecution witnesses stand examined.

5. Learned State Counsel has produced the copy of order dated 03.04.2023, passed by learned Special Judge, Sangrur, which is taken on record as Mark 'X' and 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; and 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.

8. Since all prosecution witnesses stand examined, sending the petitioner in custody at this stage would not serve any purpose.

9. Consequently, present petition is allowed. Interim bail granted to the petitioner, vide order dated 12.02.2021, 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.

10. Petitioner shall fully co-operate with the learned trial Court without seeking any unnecessary adjournment(s).
11. The above observations may not be construed as an expression of opinion on the merits of the case.
12. 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.

19.04.2023	(MAHABIR SINGH SINDHU)	
<i>atulsethi</i>	JUDGE	
Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No