

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

**CRM-M No.12280 of 2021 (O&M)
Date of Decision: 09.03.2023**

Gursangat Singh @ Sangat

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Naveen Sharma, Advocate for the petitioner.

Ms. Lavanya Paul, 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 petitioners in FIR No.05 dated 24.01.2020, under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Kot Fatta, District Bathinda.

2. Allegations are that petitioner was found in possession of 20 vials KOP-Free of 100 ml each and 20 strips (total 200 tablets) of intoxicating tablets (CARISOPRODOL), without any permit or licence.

3. This Court, on 24.03.2021, granted interim bail to the petitioner in following manner:-

“Contends that petitioner is suffering from acute diabetes and has undergone treatment in the Hospital twice, i.e. Civil Hospital, Bathinda and Guru Gobind Singh Medical College and Hospital at Faridkot. Also contends that condition of the petitioner is deteriorating day by day.

Learned State counsel seeks time to have instructions regarding health condition of the petitioner.

On his request, adjourned to 29.04.2021.

Till the next date of hearing, let petitioner be released on interim bail, in this case, subject to the satisfaction of learned Trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.”

4. Learned Counsel for the petitioner contends that in compliance of aforesaid order, petitioner is regularly appearing before the Court below. Also contends that entire prosecution evidence is over and now the case is fixed for defence evidence.

5. Learned State Counsel on instructions from ASI Krishan Singh has acknowledged the above factual position.

6. Heard both sides and perused the paper-book.

7. Keeping in view the facts that petitioner is fully cooperating before the Court below and there is no allegation that in case he is granted bail pending trial, he will misuse the concession in any manner; thus, in such a scenario, 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 24.03.2021, 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.

9. Petitioner shall fully co-operate with the learned trial Court without seeking any unnecessary adjournments.

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. Disposed off accordingly.

March 9th, 2023
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

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