

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

227

2023:PHHC:158196

CRM-M-15136-2020

Date of decision: December 11th, 2023

Rashpal Singh @ Pala

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. P.K.S. Phoolka, Advocate
for the petitioner.

Mr. Mohit Kapoor, Additional Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.228 dated 09.11.2019 under Section 21 of the NDPS Act, registered at Police Station Kotwali, Bathinda.

2. Learned counsel for the petitioner is praying for making the order dated 08.10.2020 passed by a coordinate Bench, absolute, wherein he had been extended the concession of interim regular bail. Learned counsel submits that even though the challan was presented on 29.01.2020, the prosecution evidence was still underway as only 12 prosecution witnesses had been examined till date. It has been further submitted that it is a matter of record that the petitioner has clean antecedents as he is not involved in any other criminal case much less under the NDPS Act nor did he misuse the concession of interim bail granted to him vide order dated 08.10.2020.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions, has not

disputed that the petitioner has clean antecedents as he is not involved in any other criminal case and furthermore, after he was extended the concession of interim regular bail on 08.10.2020, he had been regularly appearing before the trial Court and had not misused the concession granted to him.

4. On a pointed query put to the learned State counsel, he has submitted that six prosecution witnesses remain to be examined and the next date fixed before the trial Court is 21.12.2023 when some prosecution witnesses have been summoned to depose.

5. I have heard learned counsel for the parties and perused the material placed on record.

6. In the facts and circumstances as enumerated hereinabove, coupled with the fact that the trial is unlikely to conclude in the near future, order dated 08.10.2020 is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

7. Needless to say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the bail granted to him.

December 11th, 2023

Puneet

**(MANJARI NEHRU KAUL)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No