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

CRM M-21683-2021 (O&M)

Date of Decision: 22.02.2023

Satish Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

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

Mr. Sandeep Chopra, DAG, Punjab
assisted by ASI Kulwant 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.28 dated 27.01.2020, under Section 22 of Narcotic Drugs & Psychotropic Substances Act, 1985 (for short “the Act”) registered at Police Station Ghagga, District Patiala.

2. Allegations are that petitioner was found in possession of 15200 tablets having salt Alprazolam and Diphenozylate Hydrochloride, without any permit or licence.

3. This Court, on 07.10.2021, granted interim bail to the petitioner in the following order:-

“Learned State counsel seeks yet another opportunity for compliance of the order dated 13.09.2021 to the effect that due intimation was sent to the authorities in terms of Section 42 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

Posted on 14.12.2021.

Since petitioner is in custody w.e.f. 27.01.2020, therefore, till the next date of hearing, he be released on interim bail in the present case on his furnishing adequate bail and surety bonds subject to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.”

4. Learned counsel submits that petitioner was granted interim bail by this Court on 07.10.2021 and since then, he is regularly appearing before the learned trial Court. Also contends that out of 11 prosecution witnesses, only 6 have been examined, therefore, trial will take a sufficient long time. 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 07.10.2021, 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 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.

22.02.2023
SN

(MAHABIR SINGH SINDHU)
JUDGE

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