

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

**CRM-M No.23645 of 2019 (O&M)
Date of Decision: 24.01.2023**

Surjit Singh @ Bobi

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- None for the petitioner.

Mr. Sandeep Chopra, DAG, Punjab for the respondent.

MAHABIR SINGH SINDHU, J.

Second 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.46 dated 05.03.2019, under Section 22 of the Narcotic Drugs and Psychotropic Substances, Act, 1985 (*for short 'the Act'*), registered at Police Station Bhawanigarh, District Sangrur.

2. Allegations are that on 05.03.2019, ASI Krishan Singh, along with other police officials, was present in a private vehicle at New Bus Stand, Bhawanigarh regarding checking of suspected persons/vehicles. The secret informer came there and informed that Surjit Singh @ Bobi (petitioner), who is selling intoxicant tablets, will come on his motorcycle from Village Kakra to

Bhawanigarh City. Thereafter, contraband i.e. 1950 intoxicant tablets of Tramadol were recovered from the petitioner.

3. This Court, on 10.03.2021, granted interim bail to the petitioner in the following manner:-

“Contends that as per prosecution version, police party was in a private vehicle, but registration number of the same has not been disclosed so far.

Learned State counsel seeks time to apprise the Court about the description and registration number of the vehicle used by the police party by way of an affidavit of ASI Krishan Singh.

Posted on 20.04.2021.

As the petitioner is in custody since 05.03.2019, therefore, he 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 State Counsel, on instructions from ASI Sukhdev Singh, has apprised the Court that after grant of interim bail, petitioner is regularly appearing before learned trial Court and there is no apprehension that he is likely to misuse the concession in any manner. Also acknowledged that there is no other criminal case pending against the petitioner.

5. In view of the above, there is no hesitation to record twin-test satisfaction in terms of Section 37 of the Act to the following effect:-

(i) From perusal of paper-book, prima facie, it is not discernable that provisions of Section 50 of the Act were complied with at the time of alleged recovery; thus, it can be termed as a reasonable ground for believing that petitioner is not guilty of offence at this stage;

(ii) Petitioner was granted interim bail and has not misused the concession of the same; thus he is not likely to commit any offence in case of releasing on regular bail.

6. In such a situation, sending the petitioner in custody would not serve any purpose. Consequently, the present petition is allowed. Interim bail granted to the petitioner, vide order dated 10.03.2021, 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.
7. Petitioner shall fully co-operate with the learned trial Court without seeking any unnecessary adjournments.
8. The above observations may not be construed as an expression of opinion on the merits of the case.
9. 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.

January 24th, 2023
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

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