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

CRM M-25218-2019 (O&M)

Date of Decision: 13.02.2023

Sukhpal Singh @ Sukha

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Ms. Gurpreet Kaur, Advocate for
Mr. L.S. Sekhon, Advocate,
for the petitioner.

Mr. Sandeep Chopra, DAG, Punjab
assisted by ASI Pala 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.73 dated
26.09.2018, under Section 22 of Narcotic Drugs & Psychotropic Substances
Act, 1985 (for short “the Act”) registered at Police Station Joga, District Mansa.

2. Allegations are that petitioner was found in possession of 1200
tablets of Alprazolam (XL PAM 0.5), without any permit or licence.

3. This Court, on 29.01.2021, granted interim bail to the petitioner in
the following order:-

*“Contends that petitioner is in custody since 26.09.2018 and there
is no progress in the trial.*

*Learned State counsel seeks time to verify the above factual
position.*

Posted on 20.04.2021.

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 submits that petitioner was granted interim bail by this Court on 29.01.2021 and since then, he is regularly appearing before the learned trial Court. Also contends that entire prosecution evidence is over and now the case is pending for defence evidence. 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 29.01.2021, 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.

13.02.2023
SN

(MAHABIR SINGH SINDHU)
JUDGE

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