

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

**CRM-M No.34228 of 2021 (O&M)
Date of Decision: 20.02.2023**

Gursewak Singh @ Billa

..... 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.

Third 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.65 dated 18.10.2018, under Sections 21/22 of the Narcotic Drugs and Psychotropic Substances, Act, 1985 (*for short 'the Act'*), registered at Police Station Jhander, District Amritsar.

2. Allegations are that petitioner was found in possession of 1170 intoxicating tablets (RIDLEY), without any permit or licence.

3. This Court, on 27.08.2021, granted interim bail to the petitioner in the following manner:-

“Contends that petitioner is in custody since 18.10.2018 and there is no progress in the trial.

Learned State counsel will verify the above factual position.

Posted on 18.11.2021.

In the meanwhile, petitioner be released on interim bail in the present case till the next date of hearing on his furnishing adequate bail and surety bonds subject to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.”

4. Learned State Counsel, on instructions from ASI Jagtar 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. Heard learned State Counsel and perused the paper-book.

6. Petitioner was granted interim bail by this Court; he is regularly appearing before the Court below and 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.

7. Since trial is likely to take sufficiently long time, 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 27.08.2021, 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.

February 20th, 2023
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

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