

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

(205)

CRM-M-37450-2021
Date of decision:- 07.02.2023

Manga Singh**...Petitioner****Versus****State of Punjab****...Respondents****CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**

Present:- Mr. Gurpal Singh Sandhu, Advocate
for the petitioner.

Mr. Sandeep Chopra, DAG, Punjab.

MAHABIR SINGH SINDHU, J.

Second petition has been filed for grant of bail pending trial to the petitioner in FIR No. 106 dated 09.07.2019, under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the Act'), registered at P.S. City Patti, District Taran Taran.

2. Allegations are that, petitioner as well as co-accused Sandeep Singh, were found in possession of 300 gram and 50 gram heroin, respectively.

3. This Court on 29.03.2022, granted interim bail to the petitioner in following manner:-

*“ This is a petition filed under Section 439 Cr.
P.C. for grant of regular bail in case FIR No. 106 dated
09.07.2019 under Section 21 of the Narcotic Drugs and
Psychotropic Substances Act, 1985, registered at Police
Station City Patti, District Tarn Taran.*

Short affidavit dated 16.03.2022 filed by Gulneet Singh Khurana, Senior Superintendent of Police, District Tarn Taran, on behalf of respondent-State, is taken on record. Copy supplied to the opposite side

Perusal of paragraph 6 of the affidavit reveals that details of FIRs have been provided from 01.01.2021 to 28.02.2022; but it is not discernible as to under which offences(s) the cases were registered.

Learned State counsel will take further instructions in the matter and also to apprise the Court as to whether any action has been taken against the defaulting police officer(s). If yes, specific particulars of the action taken be supplied to the Court.

Posted on 08.04.2022.

Keeping in view the long custody, till the next date of hearing, petitioner be released on interim bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.”

4. Learned counsel for the petitioner contends that petitioner is regularly appearing before the Court below and there is no other criminal case pending against him.
5. Learned State counsel, upon instructions from ASI-Sukhwinder Singh acknowledged the above factual positions and has apprised the Court that out of 10 PWs, only 01 has been examined till date.
6. Heard both sides.
7. Undisputedly, petitioner is regularly appearing before the Court

below and there is no allegation that he has misused the concession of interim bail or likely to interfere with the Court proceedings in any manner.

8. In such a situation, sending the petitioner in custody at this stage would not serve any purpose.

9. Consequently, present petition is allowed and the interim bail granted to the petitioner, vide order dated 29.03.2022, is made absolute. Petitioner shall be admitted to bail on his furnishing bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

10. He shall fully co-operate with the learned trial Court without seeking any unnecessary adjournment(s).

11. The above observations may not be construed as an expression of opinion on the merits of the case.

12. 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.

07.02.2023
Harish Kumar

(MAHABIR SINGH SINDHU)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No