

206 (2nd case)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-39178-2021 (O&M)
Date of decision : 27.02.2023

Deepak Kumar @ Deepu

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Himanshu Puri, Advocate,
for Mr. Sunny K. Singla, Advocate,
for the petitioner.

Mr. Sandeep Chopra, DAG, Punjab,
assisted by ASI Chamkaur Singh.

MAHABIR SINGH SINDHU, J.

Present 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.45 dated 06.05.2019, under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'the Act'*), registered at Police Station Kotwali Nabha, District Patiala.

2. Allegations are that petitioner along with co-accused Hanish Verma @ Jimmy, was found in possession of 3850 tablets of Clovidol-100 SR (Tramadol Hydrochloride tablets 100 mg.) and 456 injections of Fortwin (Pentazocine Lactate Injection IP).

3. This Court, 17.02.2022, granted interim bail to the petitioner in the following manner:-

“Learned counsel for the petitioner submits that the petitioner is in custody since 06.05.2019 and co-accused has already been granted the concession of interim bail vide order dated 21.09.2021, passed in CRM-M-23630-2021. Also submitted that there is no other criminal case pending against the petitioner.

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

Posted on 13.05.2022.

Till the next date of hearing, petitioner be released on interim bail on her furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

To be heard alongwith CRM-M-42952-2021.”

4. Learned counsel contends that petitioner was granted interim bail by this Court on 17.02.2022 and since then, he is regularly appearing before learned trial Court. Also contends that the entire prosecution evidence stands concluded.

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; 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.

8. Since trial is likely to take sufficiently long time, thus sending the petitioner in custody at this stage would not serve any purpose.

9. Consequently, present petition is allowed. Interim bail granted to the petitioner, vide order dated 17.02.2022, 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.
10. Petitioner 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.

27.02.2023

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(MAHABIR SINGH SINDHU)

JUDGE

Whether speaking / reasoned :

Whether Reportable :

Yes

Yes

No

No