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

CRM M-33836-2019 (O&M)

Date of Decision: 28.03.2023

Talwinder Singh @ Kaku

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. J.S. Dhaliwal, Advocate,
for the petitioner.

Mr. Rozer Kumar Aggarwal, AAG Punjab.

MAHABIR SINGH SINDHU. J.

Present petition has been filed under Section 439 Cr.P.C. seeking bail pending trial to the petitioner in FIR No.94 dated 08.06.2018, under Section 22 of Narcotic Drugs & Psychotropic Substances Act, 1985 (for short “the Act”) registered at Police Station Canal Colony, District Bathinda.

2. Allegations are that petitioner was found in possession of 30 vials of Onerex and 40 vials of Wincerex each weighing 100 ml containing codeine phosphate, without any permit or licence.

3. This Court, on 17.12.2019, granted interim bail to the petitioner in the following order:-

“Learned counsel for the petitioner contends that the examination of M.A. English (Semester-I) of the petitioner is scheduled on 18.12.2019 to 07.01.2020 and the date sheet has been produced regarding the same

In view of the above, the petitioner is ordered to be released on interim bail till the next date of hearing on his furnishing adequate

bail bonds/surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.”

4. Learned counsel submits that petitioner was granted interim bail by this Court on 17.12.2019 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 as well as arguments. 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 17.12.2019, 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.

28.03.2023
SN

(MAHABIR SINGH SINDHU)
JUDGE

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