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

**CRM M-45495-2021 (O&M)**

**Date of Decision: 22.02.2023**

Nasib Singh and another

.....Petitioners

Versus

Central Bureau of Investigation and another

.....Respondents

**CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU**

Present: Mr. T.P.S. Bhatti, Advocate, Advocate,  
for the petitioners.

Mr. Rajeev Anand, Advocate,  
for respondent No.1.

Mr. Sandeep Chopra, DAG, Punjab  
For respondent No.2.

**MAHABIR SINGH SINDHU. J.**

Present petition has been filed under Section 439 Cr.P.C. for seeking regular bail, pending trial to the petitioners in FIR No.18 dated 09.11.2016, under Sections 21, 25 and 29 of Narcotic Drugs & Psychotropic Substances Act, 1985 (for short “the Act”) & Section 25 of Arms act, 1952 registered at Police Station SSOC, District Amritsar.

2. Photocopy of status report dated 06.02.2023 filed by respondent No.1-CBI in CRM-M-44010-2016 is taken on record as Mark ‘X’. Copy supplied to the opposite counsel.

3. The FIR was registered against co-accused Abhishek Chetal as he was arrested while in conscious possession of 500 grams heroin and drug

money of Rs.39,73,000/-. During investigation, present accused were nominated in the present case.

4. This Court, on 01.12.2021, granted interim bail to the petitioners in the following order:-

*“Contends that main accused Abhishek Chetal from whom alleged recoveries of 500 gms of heroin along with currency notes of Rs.39,73,000/- were effected has already been granted concession of bail and there is no progress of trial.*

*Learned counsel for respondent No.1 seeks time to verify the above factual position.*

*Posted on 25.02.2022.*

*Petitioners are in custody since 23.12.2016, therefore, till the next date of hearing, they be released on interim bail in this case, on their furnishing bail bonds and surety bond to the satisfaction of learned trial Court/CJM/Duty Magistrate, concerned. ”*

5. Learned counsel submits that petitioners were granted interim bail by this Court on 01.12.2021 and since then, they are regularly appearing before the learned trial Court. Also contends that a supplementary charge-sheet/report under Section 173 of Code of Criminal Procedure has been filed in the Court on 05.01.2023, therefore, trial will take a sufficient long time.

6. Learned State counsel, upon instructions, has fairly acknowledged the above factual position.

7. Heard learned counsel for both the sides and perused the paper book.

8. In view of the averments made in para 6 of the status-report (Mark-X) as well as the fact that both the petitioners are regularly appearing before the Court below and there is no allegation that in case their interim bail is made absolute, they are likely to misuse the concession of bail or hamper the

proceedings in any manner; therefore, in such a scenario, sending the petitioners in custody at this stage would not serve any purpose.

9. Consequently, the present petition is allowed. Interim bail granted to the petitioners, vide order dated 01.12.2021, is made absolute. They shall be admitted to bail on their furnishing bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

10. Petitioners 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 petitioners, respondent No.1 would be at liberty to move an appropriate application for recalling of this order.

22.02.2023  
SN

(MAHABIR SINGH SINDHU)  
JUDGE

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