

102

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

**CRM-M-42715-2020 (O&M)
Date of decision : 22.02.2023**

Kewal Singh

...Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. B.S. Bairagi, Advocate,
for the petitioner.

Mr. Sandeep Chopra, DAG, Punjab.

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.0223 dated 08.10.2019, under Section 21 of the Narcotic Drugs and Psychotropic Substances, Act, 1985 (*for short 'the Act'*), registered at Police Station Lambi, District Shri Muktsar Sahib.

2. Allegations are that petitioner, along with co-accused Jagveer Singh, Sandeep Kumar @ Babu, Jaswant Singh and Shaminderpal Singh @ Shally, was found in possession of 51 grams of heroin without any valid permit or licence.

3. This Court, on 22.12.2020, granted interim bail to the petitioner in the following manner:-

*“Contends that as per the prosecution case itself,
recovery in this case is alleged to be 51 grams of heroin,*

i.e. less than commercial and petitioner is in custody since 08.10.2019, thus, the provisions of Section 37 of NDPS Act would not be attracted in this case.

Learned State counsel seeks time to have instructions in the matter regarding pendency of other criminal cases.

On his request, adjourned to 23.02.2021.

*In the meanwhile, let petitioner be released on interim bail, in this case, **till the next date of hearing**, subject to the satisfaction of learned Trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.”*

4. Learned counsel contends that petitioner was granted interim bail by this Court on 22.12.2020 and since then, he is regularly appearing before learned trial Court. Also contends that despite the fact that charges were framed on 18.12.2019, out of total 12 prosecution witnesses, no one has been examined so far.

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 22.12.2020 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.

22.02.2023 <i>atulsethi</i>	(MAHABIR SINGH SINDHU) JUDGE	
Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No