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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM M-44070-2020 (O&M)

Date of Decision: 14.03.2023

Sukhchain Singh @ Nikka

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Piyush Sharma, Advocate,
for the petitioner.

Ms. Lavanya Paul, AAG Punjab
Assisted by ASI Iqbal Singh.

MAHABIR SINGH SINDHU. J.

Present petition has been filed under Section 439 Cr.P.C. for seeking regular bail, pending trial to the petitioner in FIR No.264 dated 25.12.2018, under Sections 21 & 22 of Narcotic Drugs & Psychotropic Substances Act, 1985 (for short “the Act”) registered at Police Station City Moga, District Moga.

2. Allegations are that petitioner was found in possession of 1140 tablets of Rolin 0.5, without any permit or licence.

3. This Court, on 22.01.2021, granted interim bail to the petitioner in the following order:-

“Contends that petitioner is in custody since 25.12.2018 and charges, in this case, were framed way back on 10.05.2019, but there is no progress in the trial.

Learned State counsel seeks time to verify the status of trial.

On his request, adjourned to 31.03.2021.

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

4. Learned counsel submits that petitioner was granted interim bail by this Court on 22.01.2021 and since then, he is regularly appearing before the learned trial Court. Also contends that out of 13 prosecution witnesses, only 7 have been examined, therefore, trial will take a sufficient long time. 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 22.01.2021, 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.

14.03.2023
SN

(MAHABIR SINGH SINDHU)
JUDGE

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