

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-53458-2021

Date of Decision: 24.01.2023

Pushpinder Singh @ Bhindi

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present Ms.Manjot Kaur, Advocate
for Mr.S.S.Gill, 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.294 dated 26.11.2018, under Section 22 of the Narcotic Drugs and Psychotropic Substances, Act, 1985 (for short 'the Act'), registered at Police Station Bhawanigarh, District Sangrur

2. Allegations are that on 26.11.2018 at 05:30 pm petitioner along with Sanju Singh was found in conscious possession of contraband i.e 23500 tablets of Clavidol 100 SR, 17000 tablets of Clavidol 100 SR, 4500 tablets of Carisoma, 200 vials 100 ml each of 'WINCEREX', which falls under the category of commercial quantity, while travelling in white colored Swift car bearing registration No.PB13AW-2820.

3. Contends that petitioner was granted interim bail by this Court on 31.03.2022 and since then he is regularly appearing before the Court

below. Also contends that there is no other criminal case pending against the petitioner. It is specifically contended that petitioner has never misused the concession of bail; nor there is any apprehension to that effect.

4. The above factual position is duly acknowledged by learned State counsel, on instructions from ASI Sukhdev Singh.

5. This Court, on 31.03.2022, granted interim bail to the petitioner in the following manner:-

“ Contends that the petitioner is in custody since 26.11.2018 and there is no progress in trial.

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

Posted on 26.07.2022.

Since the petitioner is stated to be in custody for the last more than 3 years 04 months, let he be released on interim bail in the present case till the next date of hearing on his furnishing adequate bail bonds/ surety bonds to the satisfaction of learned trial Court/ CJM/ Duty Magistrate concerned ”

6. In view of the above and upon taking into consideration the material on record, there is no hesitation to record twin-test satisfaction in terms of Section 37 of the Act to the following effect:-

(i) Prima facie, it is not discernible that provisions of Section 50 of the Act were complied with at the time of alleged recovery; thus, it can be termed as a reasonable ground for believing that petitioner is not guilty of offence at this stage;

(ii) Petitioner was granted interim bail and has not misused the

concession of the same; thus he is not likely to commit any offence in case of releasing on regular bail.

7. Thus, at this stage, sending the petitioner in custody would not serve any purpose.
8. Consequently, the present petition is allowed. Interim bail granted to the petitioner, vide order dated 31.03.2022, 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.
9. Petitioner shall fully co-operate with the learned trial Court without seeking any unnecessary adjournments.
10. The above observations shall 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.

24.01.2023

mamta

(MAHABIR SINGH SINDHU)

JUDGE

Whether speaking / reasoned

Whether reportable

Yes/No

Yes/No