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

**CRM-M No. 51216 of 2022 (O&M)
Date of decision : 05.05.2023**

Lakhvir Singh Pandher @ Jaggi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Karnail Singh Ahhi, Advocate
for the petitioner.

Mr. Rozer Kumar Aggarwal, Assistant Advocate General, Punjab
assisted by SI Daljinder Singh.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail pending trial to the petitioner in FIR No. 136, dated 07.08.2018, under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station GRP Amritsar District Govt. Rly Police.

[2] Allegations are that on 07.08.2018, petitioner was found in possession of 5600 intoxicant tablets of different make without any permit or licence.

[3] This Court, on 11.11.2022, granted interim bail to the petitioner in the following manner:-

“ *Inter alia contends that despite non-bailable warrants, prosecution witnesses including Station House Officer (SHO) is not appearing before the learned trial Court, and petitioner is in custody for the last more than 4 years and 3 months.*

Learned State Counsel wishes to verify the above factual position.

Posted on 13.12.2022.

Since petitioner is stated to be in custody for the last more than 4 years and 3 months, therefore, let he be released on interim bail in the present case till the next date of hearing on his furnishing adequate bail and surety bonds subject to the satisfaction of learned trial Court / CJM / Duty Magistrate concerned.”

[4] Learned counsel for petitioner submits that after grant of interim bail, he has been regularly appearing before the Court below. Again contended that petitioner is not involved in any other criminal case except present FIR. Lastly contended that there is no apprehension or allegation that in case petitioner is granted regular bail, he is likely to threaten the prosecution witnesses or hamper the trial in any manner.

[5] Learned State Counsel, on instructions from the quarter concerned, does not dispute the above factual position; rather acknowledges that entire prosecution evidence is over.

[6] In view of the above, this Court is of the opinion that sending the petitioner in custody at this stage would not serve any purpose.

[7] Consequently, the present petition is **allowed**. Interim bail granted to the petitioner, vide order dated 11.11.2022, 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.

[8] Petitioner shall fully co-operate with the learned trial

Court without seeking any unnecessary adjournments.

[9] The above observations may not be construed as an expression of opinion on the merits of the case.

[10] It is clarified that in case there is any misuse of concession of bail on the part of petitioner, State of Punjab would be at liberty to move an appropriate application for recalling of this order.

Pending application(s), if any, shall also stand disposed off.

May 05, 2023

‘dk kamra’

**(MAHABIR SINGH SINDHU)
JUDGE**

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