

108

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

**CRM-M-54938-2022 (O&M)
Date of decision : 22.02.2023**

Amit Kumar @ Ammy

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Kunal Choksi, 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.92 dated 11.09.2019, under Section 21 & 29 of the Narcotic Drugs and Psychotropic Substances, Act, 1985 (*for short 'the Act'*), registered at Police Station STF Phase-4, District SAS Nagar (Mohali).

2. Petitioner was nominated in the present case on the basis of disclosure statement made by co-accused, namely, Ravinder Singh @ Nikka, from whom heroin (1 kg.) & Methamphetamine (100 gms.) were recovered.

3. This Court, on 15.12.2022, granted interim bail to the petitioner in the following terms:-

“Contends inter alia that petitioner is in custody since 27.09.2019 and there is no allegation of recovery against him.

Learned State Counsel will take instructions as to whether there is any other case pending against the petitioner under the provisions of NDPS Act?

Posted on 21.02.2023.

In the meanwhile, let petitioner 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 contends that petitioner was granted interim bail by this Court on 15.12.2022 and since then, he is regularly appearing before learned trial Court. Also contends that no contraband was recovered from him.

5. Learned State Counsel, upon instructions, has fairly acknowledged the above factual position.

6. Heard learned counsel for both 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 15.12.2022 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.
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