

203 (2nd case)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-50724-2019 (O&M)
Date of decision : 07.02.2023

Vikram Kumar @ Buntty

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Dilpreet Singh Gandhi, Advocate for the petitioner(s).

Mr. Sandeep Chopra, DAG, Punjab.

MAHABIR SINGH SINDHU, J.

First 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.246 dated 16.09.2019, under Sections 21 & 22 of the Narcotic Drugs and Psychotropic Substances, Act, 1985 (*for short 'the Act'*), registered at Police Station Sadar Amritsar, District Amritsar.

2. Allegations are that 100 grams of heroin was recovered from petitioner, whereas, co-accused Mandeep Singh @ Maridna and Sukhraj Singh were found in possession of 100 grams and 50 grams of heroin, respectively. Apart that, 1000 loose intoxicating tablets were also recovered from the dashboard of the car, by which accused were travelling.

3. This Court, on 14.09.2021, granted interim bail to the petitioner and relevant portion of the same is extracted as under:-

“Contends that petitioner is in custody since 16.09.2019 and even charges have not been framed in this case.

Learned State counsel seeks time to verify the aforesaid fact.

Posted on 30.11.2021.

In the meanwhile, 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 14.09.2021 and since then, he is regularly appearing before learned trial Court. Also contends that there is no apprehension that in case the aforesaid concession is made absolute, petitioner is likely to interfere with the course of trial in any manner.

5. Learned State Counsel, upon instructions, has fairly acknowledged the above factual position; however, he opposed the prayer on the premise that petitioner is facing other criminal cases as well.

6. Concededly, petitioner was granted interim bail by this Court and he is regularly appearing before the Court below. There is no allegation that he has misused the concession of interim bail in any manner. Although, petitioner is facing other criminal cases, but those FIRs were registered prior in time.

7. In view of the above, there is no justification for sending the petitioner in custody, at this stage.

8. Consequently, present petition is allowed. Interim bail granted to the petitioner, vide order dated 14.09.2021, 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.

07.02.2023	(MAHABIR SINGH SINDHU)	
<i>atulsethi</i>	JUDGE	
Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No