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

CRM M-53914-2019 (O&M)

Date of Decision: 01.03.2023

Raj Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Jivesh Malik, Advocate,
for the petitioner.

Mr. Sandeep Chopra, DAG, Punjab
assisted by Kewal Singh.

MAHABIR SINGH SINDHU. J.

Present second petition has been filed under Section 439 Cr.P.C. for seeking regular bail, pending trial to the petitioner in FIR No.68 dated 26.03.2019, under Sections 22 & 25 of Narcotic Drugs & Psychotropic Substances Act, 1985 (for short “the Act”) registered at Police Station Sadar, District Mansa.

2. Allegations are that petitioner was found in possession of 2000 tablets having salt Tramadol Hydrochloride, without any permit or licence.
3. This Court, on 20.12.2019, granted interim bail to the petitioner in the following order:-

“Learned counsel for the petitioner has drawn the attention of this Court towards the Zimni orders dated 17.09.2019, 10.10.2019, 04.11.2019 and 26.11.2019 passed by learned Judge, Special Court, Mansa, which indicate that despite theailable/non-ailable warrants issued to the prosecution witnesses, namely, SI Veera Singh, ASI Rajwinder Singh and Constable Sukhwinder

Singh, but none has come forward and that has resulted into the prolongation of the custody of the petitioner.

Let an affidavit of the Senior Superintendent of Police, Mansa be filed regarding the disciplinary action against the erring official(s)/officer(s), who are not coming forward to depose as prosecution witnesses.

Adjourned to 27.02.2020.

In the meantime, petitioner is ordered to be released on interim bail till the next date of hearing on his furnishing adequate surety/bail bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.”

4. Learned counsel submits that petitioner was granted interim bail by this Court on 20.12.2019 and since then, he is regularly appearing before the learned trial Court. Also contends that out of 11 prosecution witnesses, only 3 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 20.12.2019, 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.

01.03.2023

SN

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable: Yes/No