



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

CRM-M-5523-2022 (O&M)

Date of decision :13.05.2024

Hardeep Singh @ Laddi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Abdul Aziz, Advocate for the petitioner.

Ms. Manjot Kaur, AAG, Punjab.

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. 123 dated 04.09.2021, under Sections 15 & 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act'), registered at Police Station City-1, Malerkotla, District Malerkotla.

2. Allegations are that when police was present in front of Radha Swami Satsang Bhawan, Malerkotla in connection with crime patrolling duty; petitioner had been apprehended while driving a truck and poppy husk was recovered from his conscious possession.

3. Learned counsel for the petitioner contends that petitioner was granted interim bail on 28.08.2023 and he is regularly appearing before learned Special Court. Also contends that no other case under NDPS Act is pending against the petitioner; nor there is any allegation that petitioner is likely to misuse the concession of bail or hamper the proceedings in any manner.

4. Learned State Counsel, on instructions from the quarter concerned, acknowledged the above factual position and submits that entire prosecution



evidence is over. She also appraised that petitioner has not misused the concession of interim bail granted by this Court on 28.08.2023.

5. Heard learned counsel for both the sides and perused the paper book.

6. This Court, granted interim bail to the petitioner on 28.08.2023, in the following manner:-

“Custody certificate filed. The same is taken on record. Copy thereof supplied to the opposite side.

It transpires that charges were framed wayback on 28.03.2022; but despite that, no prosecution witness is coming forward.

In view of the above, there is no option except to grant the interim bail to the petitioner 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.

Ordered accordingly.

Let this matter be brought to the notice of Senior Superintendent of Police, Malerkotla and he shall file his affidavit in the mater for taking corrective measures.

Posted for 20.09.2023”

7. Learned State counsel has duly acknowledged that entire prosecution evidence is over and there is no allegation that in case, interim bail is made absolute, petitioner is likely to misuse the concession or hamper proceedings in any manner. In such a scenario, sending the petitioner to custody at this stage would not serve any purpose.

8. Consequently, present petition is allowed. Interim bail granted to the petitioner, vide order dated 28.08.2023, is made absolute. He shall be admitted to bail on furnishing bail/surety bonds to the satisfaction of learned Special Court/Chief Judicial Magistrate/Duty Magistrate concerned.

9. Petitioner shall appear on each & every date of hearing and to fully co-operate with learned Special 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 by the petitioner, State would be at liberty to move an appropriate application for recalling of this order.
12. Pending application(s), if any, shall also stand disposed off.

13.05.2024

Harish Kumar/v

(MAHABIR SINGH SINDHU)
JUDGE

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