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231-2

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-7332-2024 (O&M)
Date of decision : 07.05.2024

BALJINDER LAL ...Petitioner(s)

Versus

STATE OF PUNJAB ...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Jagdish Singh Mahal, Advocate,
for the petitioner.

Mr. Neeraj Madaan, Sr.DAG, 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.0163 dated 10.09.2023, under Sections 21(b) & 27(a) of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Dinanagar, District Gurdaspur.

2. Allegations are that 10 grams of Heroin along with one computer scale *(kanda)* and Rs.1,040/- drug money was recovered from the petitioner and other co-accused.

3. Learned counsel for the petitioner contends that petitioner was granted interim bail by this Court on 16.02.2024 and he is regularly appearing before learned trial Court. There is no apprehension that petitioner is likely to influence the prosecution witnesses or hamper the trial, in any manner.

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4. Learned State Counsel, on instructions, has fairly acknowledged the above factual position.

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

6. It is a matter of record that petitioner was granted interim bail by this Court on 16.02.2024 and the order reads as under:-

> *"Contends that alleged recovery is only 10 grams of Heroin and co-accused has already been granted concession of interim bail pending trial by thisCourt.*
>
> *Learned State counsel seeks time to verify the above factual position.*
>
> *Posted for 02.04.2024.*
>
> *In the meanwhile, petitioner be released on interim bail in the present case till the next date of hearing on furnishing adequate bail and surety bonds subject to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.*
>
> *To be heard along with CRM-M-55154-2023."*

7. It is acknowledged by learned State counsel that in terms of the aforesaid order, petitioner was released on interim bail and he is regularly appearing before learned trial Court; there is no allegation that he likely to misuse the concession of bail or hamper the proceedings in case his interim bail is made absolute; therefore, sending him 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 16.02.2024, is made absolute. Petitioner shall be admitted to bail on furnishing bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

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9. Petitioner shall appear on each & every date of hearing and to 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.

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

07.05.2024 **(MAHABIR SINGH SINDHU)**
atulsethi **JUDGE**

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

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