



CRM-M-9417-2024

1

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

213

CRM-M-9417-2024 (O&M)
Date of Decision: 18.11.2024

Gursewak Singh @ Kaka

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Bikramjeet Singh Jatana, Advocate for the petitioner.

Ms. Neha Sonawane, DAG, Punjab.

MAHABIR SINGH SINDHU, J.

Present second petition has been filed, under Section 439 of the Code of Criminal Procedure, 1973 for seeking bail pending trial in FIR No. 0177 dated 31.08.2022, registered under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'NDPS Act'), at Police Station City-2 Mansa, District Mansa.

2. Above FIR was registered against petitioner-Gursewak Singh @ Kaka with the allegations that 760 intoxicant tablets of *Lomotil* were recovered from his conscious possession.

3. Learned counsel for the petitioner contends that petitioner was granted interim bail by this Court on 10.09.2024 and in pursuance thereof, he is regularly appearing before learned trial Court. Further submits that there is no allegation that petitioner is likely to misuse the concession or hamper the proceedings in any manner.

4. *Per contra*, learned State Counsel, on instructions from quarter



petitioner is regularly appearing before learned trial Court. She also acknowledged that petitioner has not misused the concession of interim bail granted by this Court on 10.09.2024; but she has opposed the prayer for bail at this stage by submitting that entire prosecution evidence is over.

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

6. This Court, granted interim bail to the petitioner on 10.09.2024, in the following manner:-

“ Learned counsel contends that recovery alleged against the petitioner is 760 tablets of Dipenoxylate Hydrochloride weighing 50.75 grams and which according to him would be marginally higher than the commercial quantity.

Also contends that there is no other criminal case pending against the petitioner and out of total 11 prosecution witnesses, only 05 have been examined till date.

Per contra, learned State counsel, on instructions, submits that trial is pending for 13.09.2024 and there is no delay on their part; however, she seeks time to have instructions in the matter.

Posted for 03.10.2024.

Till the next date of hearing, petitioner is ordered to be released on interim bail in this case on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.”

7. Learned State counsel has duly acknowledged that petitioner is regularly appearing before learned Special Court and there is no allegation that in case, interim bail is made absolute, he is likely to misuse the concession or hamper the 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 10.09.2024, 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



CRM-M-9417-2024

3

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.

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

18.11.2024

Harish Kumar

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No