



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

206

CRM-M-13289-2024 (O&M)
Date of Decision: 12.12.2024

Resham Singh alias Gori

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Rishu Mahajan, Advocate for the petitioner.

Mr. Puru Jarewal, AAG, 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. 46 dated 17.03.2021, registered under Sections 21,25,27,27-A and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Gharinda, Amritsar.

2. Allegations are that petitioner used to smuggle Heroin from Pakistan border and sell the same in India.

3. Learned counsel for the petitioner contends that petitioner was arrested in the present case on 17.03.2021 and after remaining in custody for about 03 years and 06 months, was granted interim bail by this Court on 10.09.2024. Further contends that in pursuance of the aforesaid order, he is regularly appearing before learned Special Court. Also contends that recovery was effected from residential house of co-accused-Sukhwinder



Singh alias Sukha, with whom petitioner was working as domestic help. 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 concerned, has acknowledged the above factual position and submits that petitioner is regularly appearing before learned Special Court. He also acknowledged that petitioner has not misused the concession of interim bail granted by this Court on 10.09.2024.

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:-

“ At the outset, learned counsel for petitioner submits that he is in custody for the last 03 years and 05 months; and out of total 16 prosecution witnesses, only 03 have been examined till date.

Learned State counsel seeks time to verify the above factual position.

Posted 15.10.2024.

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



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 be not 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.

12.12.2024
Harish Kumar

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No