

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

207

CRM-M-15890-2024 (O&M)
Date of Decision: 12.12.2024

Buta Singh @ Gurjant SinghPetitioner

Versus

State of PunjabRespondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

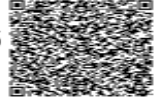
Present: Ms. Dilpreet Kaur, Advocate for
Mr. Rishu Garg, Advocate for the petitioner.

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. 141 dated 02.12.2022, registered under Sections 22 (c) and 27 of Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Bareta, District Mansa.

2. Allegations are that 750 tablets of tramwel SR-100 were recovered from the petitioner.
3. Learned counsel contends that petitioner is in custody since 02.12.2022 and out of total 12 PWs, only 02 have been examined. Further contends that petitioner was granted interim bail by this Court on 19.11.2024 and in pursuance thereof, he is regularly appearing before learned Special Court. Lastly contends that there is no progress of trial as PWs are not coming forward despite repeated opportunities.



4. *Per contra*, learned State Counsel, on instructions from quarter concerned, has acknowledged the above factual position and submits that after getting interim bail, petitioner is regularly appearing before learned Special Court.

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

6. This Court granted interim bail to the petitioner on 19.11.2024 in the following manner:-

“ Contends that petitioner is in custody since 02.12.2022; out of total 12 prosecution witnesses (Pws), only 2 Pws have been examined till date.

Learned State counsel seeks time to verify delay in production of the prosecution witnesses.

Posted 12.12.2024.

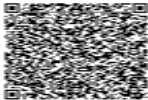
In the meanwhile, petitioner be released on interim bail in the present case, till the next date of hearing, on furnishing adequate bail and surety bonds subject to the satisfaction of learned Special Court/CJM/Duty Magistrate concerned.”

7. Learned State counsel has duly acknowledged that petitioner is regularly appearing before learned Special Court. 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 19.11.2024, 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 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