

227

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

CRM M-16823-2023 (O&M)

Date of Decision: 15.01.2024

Jasvir Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Saurabh Kaushik, Advocate,
for the petitioner.

Mr. Jashan Preet Singh, DAG, Punjab.

MAHABIR SINGH SINDHU. J.

Present petition has been filed under Section 439 Cr.P.C seeking bail pending trial in FIR No.7 dated 18.01.2023 registered under Section 15 of Narcotic Drugs & Psychotropic Substances Act, 1985 (for short “the Act”) at Police Station, Sadar Nabha, District Patiala.

2. Allegations are that petitioner was found in possession of 5 kg of poppy husk which is non-commercial in nature.

3. This Court, on 13.07.2023, granted interim bail to the petitioner in the following order:-

“Learned counsel for the petitioner contends that recovery in this case is alleged to be 5 kg. poppy husk which is non-commercial in nature and petitioner is in custody since 18.01.2023.

Also contends that after investigation, challan/report under Section 173 of Code of Criminal Procedure has already been presented on 12.04.2023.

Further contends that no other criminal case is pending against the petitioner.

Learned State counsel seeks time to verify the fact as to whether any criminal case is pending against the petitioner; and/or has he ever been convicted?

Posted on 08.08.2023.

In the meantime, petitioner is ordered to be released on interim bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.”

4. Learned counsel submits that petitioner was granted interim bail by this Court on 13.07.2023 and since then, he is regularly appearing before the learned trial Court. Also contends that after investigation, challan/report under Section 173 Cr.P.C has already been presented on 12.04.2023 and now the case is fixed for prosecution evidence. Lastly submitted that there is no other criminal case pending against the petitioner.

5. Learned State counsel, upon instructions, has fairly acknowledged the above factual position.

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

7. Petitioner was granted interim bail by this Court and he is regularly appearing before the Court below. There is no allegation that he is likely to misuse the concession of bail or hamper the proceedings in any manner, in case his interim bail is made absolute. Thus sending the petitioner in custody at this stage would not serve any purpose.

8. Consequently, the present petition is allowed. Interim bail granted to the petitioner, vide order dated 13.07.2023, is made absolute. He shall be admitted to bail on his furnishing bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

9. Petitioner shall 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 criminal misc. application(s), if any, shall also stand disposed off.

15.01.2024
SN

(MAHABIR SINGH SINDHU)
JUDGE

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