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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM M-20448-2023 (O&M)
Date of Decision: 05.02.2024

Jail SinghPetitioner

Versus

State of PunjabRespondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Kanwar Inder Singh, Advocate,
for the petitioner.

Mr. M.S. Tiwana, AAG Punjab.
assisted by ASI Darshan Singh.

MAHABIR SINGH SINDHU. J.

Present petition has been filed under Section 439 Cr.P.C seeking bail pending trial in FIR No.24 dated 09.02.2023 registered under Section 15 and 29 of Narcotic Drugs & Psychotropic Substances Act, 1985 at Police Station, City Sunam, District Sangrur.

2. Allegations are that recovery of 60 kgs poppy husk was made from co-accused Jugandeep Singh @ Jugni. During investigation, on his disclosure, petitioner was nominated in the present FIR.

3. This Court, on 30.11.2023, granted interim bail to the petitioner in the following order:-

*“Reply dated 30.11.2023 by way of an affidavit of Bharpur Singh, PPS, Deputy Superintendent of Police, Sub Division Sunam, District Sangrur on behalf of respondent-State has been filed and the same is taken on record. Copy supplied to other side.
Contends that petitioner was nominated on the basis of disclosure made by co-accused and there is no other case pending against him. Also contends that petitioner is in custody since 13.02.2023. After investigation, report under Section 173 Cr.P.C has already*

been submitted. Even charges have also been framed by trial Court; but no prosecution witnesses has been examined till date.

Learned State counsel shall verify the pendency of other criminal cases pending against petitioner.

Posted for 05.02.2024.

In the meantime, petitioner is ordered to be released on interim bail in the present case till the next date of hearing on 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 30.11.2023 and since then, he is regularly appearing before the learned trial Court. Also contends that there is no other criminal case pending against the petitioner. He has been nominated on the basis of disclosure made by co-accused Jugandeep Singh @ Jugni.

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 has already been 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 to 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 30.11.2023, 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. Also clarified that non-appearance of petitioner before the learned trial Court shall be construed as misuse of the concession.
12. Pending criminal misc. application(s), if any, shall also stand disposed off.

05.02.2024
SN

(MAHABIR SINGH SINDHU)
JUDGE

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