

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

2024:PHHC:114171



(228)

CRM-M-18945-2024(O&M)
Date of Decision: 02.09.2024

Palwinder Singh

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU.

Present:- Mr. Tarun Sharma, Advocate for the petitioner.

Ms. Neha Sonawane, DAG, Punjab assisted by
ASI Dilbag Rai.

MAHABIR SINGH SINDHU, J.

Present third petition under Section 439 of the Code of Criminal Procedure, 1973 has been filed for grant of regular bail to the petitioner in FIR No.0057 dated 16.03.2019, under Section 21 of NDPS Act, 1985 registered at Police Station Division No.6, District Ludhiana.

2. Allegations are that petitioner along with co-accused Kuldeep Singh was apprehended by the police party on the basis of secret information and recovery of 230 grams of heroin (non-commercial) was allegedly effected from him, whereas 800 grams of heroin was recovered from the conscious possession of co-accused Kuldeep Singh.

3. Contends that petitioner was granted interim bail on 30.04.2024 and in pursuance thereof, he is regularly appearing before learned Special Court. Also submits that there is no apprehension or allegation that he is likely to misuse the concession in any manner. Lastly submitted that the alleged recovery effected from petitioner is non-commercial in nature.

4. Learned State Counsel, on instructions, has acknowledged the above factual position; but opposed the prayer of petitioner while submitting that allegations are very serious in nature.

5. Heard learned Counsel for the parties and perused the paper book.

6. This Court, on 30.04.2024, while granting interim bail to the petitioner, passed following order:-

“Contends, inter alia, that co-accused Kuldeep Singh @ Tittu has already been granted the concession of bail by the then Co-ordinate Bench on 04.07.2022 (P-4). Also contends that out of total 19 PWs, only 06 have been examined till date.

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

Posted for 25.07.2024.

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 trial Court/CJM/Duty Magistrate concerned.”

7. In pursuance of the aforesaid order, petitioner is regularly appearing before learned trial Court and there is no allegation or apprehension that he has misused the concession or likely to hamper the trial in any manner.

8. In view of the above, no purpose would be served by sending the petitioner in custody at this stage. Consequently, the present petition is allowed. Interim bail granted to the petitioner, vide order dated 30.04.2024, 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 adjournments.
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 petitioner, State would be at liberty to move an appropriate application for recalling of this order.
12. Disposed off accordingly.
- Pending application(s), if any, shall also stand disposed off.

(MAHABIR SINGH SINDHU)
JUDGE

02.09.2024
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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No