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

CRM M-23075-2023 (O&M)

Date of Decision: 23.04.2024

Daljit Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Kuldeep V. Singh Ahluwalia, Advocate,
for the petitioner.

Ms. Manjot Kaur, AAG, Punjab.

MAHABIR SINGH SINDHU. J.

Present petition has been filed under Section 439 Cr.P.C seeking bail pending trial in FIR No.03 dated 06.01.2023 registered under Sections 15 and 18 of Narcotic Drugs & Psychotropic Substances Act, 1985 (for short “Act”), at Police Station, Sadar Ludhiana, District Ludhiana.

2. As per allegations, 03 kg of opium and 08 kg of poppy husk were recovered from co-accused Ranjit Singh @ Billa. During investigation, petitioner was nominated as an accused on the basis of disclosure made by said Ranjit Singh @ Billa.

3. Learned counsel contends that petitioner was not named in the FIR; rather nominated on the basis of disclosure made by co-accused Ranjit Singh @ Billa. Also submits that main accused Ranjit Singh @ Bila has already been released on bail by the Coordinate Bench vide order dated 19.10.2023. Further contends that in pursuance of order dated 09.11.2023, petitioner was released on interim bail and since then, he is regularly appearing before the learned Special Court.

4. Learned State counsel, upon instructions, has fairly acknowledged that petitioner is regularly appearing before learned Special Court and there is no misuse of the concession already granted to him; nor there is any apprehension that he is likely to hamper the trial in any manner.

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

6. This Court, on 09.11.2023, granted interim bail to the petitioner and the order reads as under:-

“Contends that main accused-Ranjit Singh, from whom alleged contraband was recovered, has already been granted the concession of bail by the Coordinate Bench on 19.10.2023.

Learned State counsel seeks time to verify the above factual position and also to have instructions in the matter.

Posted for 11.01.2024.

In the meantime, petitioners are ordered to be released on interim bail in the present case till the next date of hearing on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.”

7. In pursuance of the aforesaid order, petitioner is regularly appearing before learned Special Court. Co-accused has already been extended the benefit of bail and case of petitioner is on better footing than that of co-accused Ranjit Singh @ Billa. 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 09.11.2023, 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 fully co-operate with the 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 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 learned Special Court shall be construed as misuse of the concession.
12. Pending criminal misc. application(s), if any, shall also stand disposed off.

23.04.2024
SN

(MAHABIR SINGH SINDHU)
JUDGE

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