

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
CRM-M-28428-2023 (O&M)
Date of decision : 12.02.2024

Shunty Kumar ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: None for the petitioner.
Ms. Avneet, AAG., Punjab.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for seeking bail pending trial in FIR No. 45 dated 27.03.2023, under Sections 21 and 22 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station, Gidderbaha, District Sri Muktsar Sahib.

2. Allegations are that petitioner and co-accused were found in conscious possession of 50 tablets of Alprasafe-0.5 (non-commercial) and 1.5 mg. Heroin (non-commercial) without any permit or license.
3. This Court granted interim bail to the petitioner on 04.07.2023, in the following manner:-

*“ Contends that co-accused with similar allegations has already been granted the concession of bail by learned trial Court.
Learned State counsel seeks time to verify the above factual position.
Posted for 28.08.2023.
In the meanwhile, petitioner be released on interim bail in the present case till the next date of hearing on his furnishing adequate bail and surety bonds subject to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned. ”*

4. Learned State counsel on instructions from quarter concerned has acknowledged the fact that petitioner is regularly appearing before learned Special Court and there is no allegation that he is likely to misuse the concession or hamper the proceedings in any manner.
5. Heard learned State counsel and perused the paper book.
6. Concededly, petitioner was granted interim bail by this Court on 04.07.2023 and he is regularly appearing before learned Special Court. There is no allegation that petitioner is likely to misuse the concession of bail or hamper the proceedings, in case his interim bail is made absolute; thus, sending him to custody at this stage would not serve any purpose.
7. Consequently, present petition is allowed. Interim bail granted to the petitioner, vide order dated 04.07.2023, 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.
8. Petitioner shall appear on each & every date and fully co-operate with the learned trial Court without seeking any unnecessary adjournment(s).
9. The above observations may not be construed as an expression of opinion on the merits of the case.
10. It is clarified that in case there is any misuse of concession in any manner, by the petitioner, State of Punjab would be at liberty to move an appropriate application for recalling of this order.
11. Pending application(s), if any, shall also stand disposed off.

12.02.2024
Harish Kumar

(MAHABIR SINGH SINDHU)
JUDGE

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