



101(2) **IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM M-29431-2023 (O&M)
Date of Decision: 20.05.2024

Lakha Singh

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Talwinder Singh, Advocate,
for the petitioner.

Ms. Manjot Kaur, AAG, Punjab.

MAHABIR SINGH SINDHU. J.

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (for short "Cr.P.C") for seeking bail pending trial in FIR No.38 dated 07.03.2023 registered under Section 22 of Narcotic Drugs & Psychotropic Substances Act, 1985, at Police Station, Gidderbaha, District Shri Muktsar Sahib.

2. Allegations are that petitioner was found in possession of 90 tablets of Tramadol Hydrochloride.

3. Learned counsel contends that alleged recovery is non-commercial in nature. Also contends that in pursuance of order dated 04.07.2023, 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 the above factual position.

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

6. This Court, on 04.07.2023, granted interim bail to the petitioner in the following order:-



“Contends that alleged recovery is non-commercial in nature and challan has already been presented.

Learned State counsel seeks time to have instructions from the quarter concerned.

Posted for 28.07.2023.

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 to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.”

In pursuance of the above order, petitioner is regularly appearing before learned Special Court. 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.

7. Consequently, the 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 fully co-operate with the learned Special Court without seeking any unnecessary adjournment(s).

9. The above observations be not 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 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.



11. Pending criminal misc. application(s), if any, shall also stand disposed off.

20.05.2024

(MAHABIR SINGH SINDHU)

SN

JUDGE

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