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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM M-30342-2023 (O&M)
Date of Decision: 02.04.2024

Navjot Singh @ NavPetitioner

Versus

State of PunjabRespondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Amit Sharma, Advocate,
for the petitioner.

Mr. Neeraj Madaan, Sr. DAG, Punjab
assisted by ASI Surjit Singh.

MAHABIR SINGH SINDHU. J.

Present petition has been filed under Section 439 Cr.P.C seeking bail pending trial in FIR No.49 dated 19.04.2023 registered under Sections 21-B of Narcotic Drugs & Psychotropic Substances Act, 1985, at Police Station, Meharban, District Ludhiana.

2. Allegations are that 155 gram of heroin (non-commercial) was recovered from the petitioner.
3. Learned counsel submits that petitioner in pursuance of order dated 14.07.2023, 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 14.07.2023, granted interim bail to the petitioner in the following order:-

“Status report by way of affidavit dated 14.07.2023 of Sh.Gurdev Singh, ACP (East), Ludhiana in compliance of order dated 23.06.2023 on behalf of the respondent has been filed.

Custody Certificate has also filed.

The aforesaid documents are taken on record. Copies thereof supplied to the opposite side.

Contends that petitioner is in custody since 19.04.2023 and after investigation, report under Section 173 Cr.P.C. has already been submitted.

Also contends that there is no other criminal case pending against the petitioner and recovery in the present case is alleged to be non commercial.

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

Posted for 13.09.2023.

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.

Investigating Officer of the case is requested to be present for assistance in the matter.”

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 14.07.2023, is made absolute. He shall be admitted to bail on furnishing bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

8. Petitioner shall fully co-operate with the learned trial 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.

02.04.2024
SN

(MAHABIR SINGH SINDHU)
JUDGE

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