

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

CRM-M-31724-2023 (O&M)

Date of decision : 06.02.2024

Lakhbir Singh @ Manga Malli

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Vipin Mahajan, Advocate,
for the petitioner.

Mr. M.S. Tiwana, AAG., Punjab.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail pending trial to the petitioner in FIR No. 76 dated 29.04.2023, under Sections 18 (b), 25, 27A and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Dinanagar, District Gurdaspur.

2. Allegations are that co-accused namely Harpal Singh and Preet Singh were apprehended on the basis of secret information; 150 gram Opium and Rs. 31,200/- drug money was recovered from them. During investigation, both of them made disclosure that alleged contraband was purchased from the petitioner.

3. This Court granted interim bail to the petitioner on 09.11.2023, in the following manner:-

“Contends that after investigation report under Section 173 Cr.P.C. has already been submitted and recovery against the petitioner is alleged to be non-commercial in matter. inter-alia that although, there is an allegation of illicit relations of petitioner with the deceased, but it is nowhere alleged that she instigated or abetted him to commit suicide.

Learned State counsel seeks time to have instructions regarding charges.

Posted on 11.01.2024.

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

4. Learned counsel for the petitioner contends that petitioner is neither named in the FIR; nor there is any recovery alleged against him. Also contends that after granting interim bail, 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. Also contends that out 16 prosecution witnesses, none has been examined till date and, thus, trial is likely to take sufficient long time.

5. Learned State Counsel, on instructions from quarter concerned, is not able to dispute the above factual position.

6. Heard learned counsel for both the sides and perused the paper book.

7. Concededly, petitioner was not named in the FIR; rather he has been nominated on the basis of disclosure made by co-accused. There is no recovery alleged against the petitioner; nor any other material is available with the prosecution regarding his complicity as on today. Also not in dispute, that petitioner was granted interim bail by this Court on 09.11.2023 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.

8. Consequently, 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 appear on each & every date and fully co-operate with the learned trial Court without seeking any unnecessary adjournment(s).
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 in any manner, by the petitioner, State of Punjab would be at liberty to move an appropriate application for recalling of this order.
12. Pending application(s), if any, shall also stand disposed off.

06.02.2024

Harish Kumar

(MAHABIR SINGH SINDHU)

JUDGE

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