

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

CRM-M No.33137-2023 (O&M)

Date of Decision: 15.01.2024

Ranjit Singh

..... Petitioner

Versus

State of Punjab

..... Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. J.S. Dhaliwal, Advocate for the petitioner.

Mr. Jashan Preet Singh, DAG, 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.32 dated 04.04.2023, under Sections 15(C), 27, 29 of NDPS Act, 1985, registered at Police Station Maur, District Bathinda.

(2) Above FIR was registered on the basis of statement made by ASI-Parwinder Singh with the allegations that white swift car and a truck trailer were apprehended by the police party. On search of the car, two plastic bags containing 20 Kg. (each) of poppy husk were recovered. Similarly, two other plastic bags were recovered from the truck trailer containing 20 Kg. (each) of poppy husk.

(3) This Court, while issuing notice of motion on 18.07.2023, granted interim bail to the petitioner and the same reads as under:-

“Contends that as per prosecution case itself, there is no allegation that petitioner was driving the trolly or that he was in conscious possession of the alleged contraband i.e. 40 kgs. of poppy husk and moreover, it is non-commercial in nature. Also contended that there is no other criminal case pending against the petitioner.

Learned State counsel seeks time to have instructions in the matter.

Posted for 05.09.2023.

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.”

(4) Learned Counsel for the petitioner contends that in compliance of aforesaid order, petitioner is regularly appearing before the Court below. Also contends that there is no apprehension that petitioner is likely to misuse the concession pending trial. Also contends that as on today, there is no other criminal case pending against the petitioner and recovery alleged against him is non-commercial in nature.

(5) Learned State Counsel on instructions from the quarter concerned is not able to dispute the aforesaid contentions raised by learned counsel for the petitioner.

(6) Heard both sides and perused the paper-book.

(7) Concededly, petitioner was granted interim bail on 18.07.2023 and he is regularly appearing before learned trial Court; recovery alleged is non-commercial in nature. There is no allegation that in case petitioner is granted bail pending trial, he will misuse the concession in any manner; thus, in such a scenario, sending him in custody at this stage would not serve any purpose.

(8) Consequently, present petition is allowed. Interim bail granted to the petitioner, vide order dated 18.07.2023, is made absolute. He shall be admitted to bail on his furnishing bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(9) Petitioner shall fully co-operate with the learned trial Court without seeking any unnecessary adjournments.

- (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 on the part of the petitioner, State of Punjab would be at liberty to move an appropriate application for recalling of this order.
- (12) Disposed off accordingly.
- (13) Pending application(s), if any, shall also stand disposed off.

15.01.2024
Harish Kumar

(MAHABIR SINGH SINDHU)
JUDGE

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