

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.35482 of 2023 (O&M)
Date of Decision: 20.03.2024

Harpal Singh @ Happy

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Gurmet Bhinder, Advocate for
Mr. S.K.Choudhary, Advocate for the petitioner.

Mr. Neeraj Madan, Sr. DAG, Punjab for the respondent.

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 Section 18(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (Sections 27-A & 29 NDPS Act added later on), registered at Police Station Dinanagar, District Gurdaspur.

(2) Allegations are that petitioner, along with other co-accused Preet Singh, was found in possession of 150 grams Opium without any license.

(3) This Court, on 28.07.2023, granted interim bail to the petitioner in following manner:-

“Contents that recovery in the present case is alleged to be 150 grams of opium which is less than the commercial quantity and challan is yet to be presented. Also submits that there is no other criminal case pending against the petitioner.

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

Posted on 06.09.2023.

In the meantime, petitioner is ordered to be released on interim bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.”

(4) Learned Counsel for the petitioner contends that in compliance of aforesaid order, petitioner is regularly appearing before the Court below and there is no apprehension or allegation that he is likely to misuse the concession of bail in any manner.

(5) Learned State Counsel, on instructions, has acknowledged the above factual position.

(6) Heard learned Counsel for the parties and perused the paper-book.

(7) It is not in dispute that petitioner was granted interim bail and he is regularly appearing before learned trial Court. There is no allegation that in case he 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, the present petition is allowed. Interim bail granted to the petitioner, vide order dated 28.07.2023, 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 of bail on the part of petitioner, State 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.

20th March, 2024
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

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