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

CRM-M-41852-2023 (O&M)

Date of decision : 16.04.2024

Mohinder Singh

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: None for the petitioner.

Ms. Manjot Kaur, AAG, Punjab,
assisted by ASI Ravel Singh.

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.120 dated 21.08.1988, under Sections 307, 353 read with Section 34 of the Indian Penal Code, 1860; Section 15 of the Narcotic Drugs and Psychotropic Substances, Act, 1985; and Section 25 of the Arms Act, 1959, registered at Police Station Dirba, District Sangrur.

2. Allegations are that petitioner along with other co-accused was found in possession of 22 kgs. poppy husk, but they fired upon the police party while fleeing from the spot.

3. No one has caused appearance on behalf of the petitioner.

4. Learned State Counsel, on instructions, fairly acknowledged that petitioner was granted interim bail by this Court on

21.11.2023 and he is regularly appearing before learned trial Court. There is no allegation that petitioner is likely to influence the prosecution witnesses or hamper the trial, in any manner. Also apprised that charges were framed on 01.12.2022 and out of total 10 prosecution witnesses, only 03 have been examined so far.

5. Heard learned State counsel and perused the paper book.
6. It is a matter of record that petitioner was granted interim bail by this Court on 21.11.2023 and the order reads as under:-

“Learned counsel for the petitioner has produced the copy of order zimni orders dated 20.09.2023, 21.10.2023 and 31.10.2023 respectively, which are taken on record and are marked as ‘X’, ‘Y’ and ‘Z’ respectively.

Perusal of the aforesaid orders reveals that prosecution is not producing witnesses and unnecessarily delaying the proceedings.

*Now, the trial is stated to be pending on 15.11.2023.
Posted for 13.12.2023.*

In the meantime, 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/Duty Magistrate concerned.”

7. It is acknowledged by learned State counsel that in terms of the aforesaid order, petitioner was released on interim bail and he is regularly appearing before learned trial Court; there is no allegation that he is likely to misuse the concession of bail or hamper the proceedings in case his interim bail is made absolute; and out of total 10 prosecution witnesses, only 03 have been examined till date; hence,

trial is likely to take sufficient long time and as such, sending the petitioner 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 21.11.2023, is made absolute. Petitioner shall be admitted to bail on furnishing bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

9. Petitioner shall appear on each & every date of hearing and to 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 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.

12. Pending application(s), if any, shall also stand disposed off.

16.04.2024
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(MAHABIR SINGH SINDHU)
JUDGE

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