

231

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM M-45098-2023 (O&M)
Date of Decision: 20.02.2024

Baltej SinghPetitioner

Versus

State of PunjabRespondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Ajay Singh, Advocate for
Mr. Nirmaljeet Singh Sidhu, Advocate,
for the petitioner.

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

MAHABIR SINGH SINDHU. J.

Present petition has been filed under Section 439 Cr.P.C seeking
bail pending trial in FIR No.37 dated 13.02.2020 registered under Section 15
Narcotic Drugs & Psychotropic Substances Act, 1985, at Police Station, Sangat,
District Bathinda.

2. Allegations in brief are that petitioner was found in possession of 7
kgs of poppy husk, without any licence or permit.

3. This Court, on 15.09.2023, granted interim bail to the petitioner in
the following order:-

*“Contends that petitioner is in custody since 20.05.2023
and recovery in the present case is alleged to be 7 Kg. Poppy Husk
i.e. non commercial. Also contends that challan has already been
presented and there is no other criminal case pending against the
petitioner.*

Notice of motion.

*On asking of the Court, Mr. Amish Sharma, AAG, Punjab
accepts notice on behalf of the respondent.*

*Learned State Counsel will verify the above factual position.
Posted for 16.10.2023.*

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 submits that recovery alleged against the petitioner is non-commercial. He was granted interim bail by this Court on 15.09.2023 and since then, he is regularly appearing before the learned trial Court. Also contends that there is no misuse of concession by the petitioner. Further contends that there is no other criminal case pending against the petitioner.

5. Learned State counsel, upon instructions, has fairly acknowledged the above factual position.

6. Heard learned State counsel and perused the paper book.

7. Petitioner has already been granted interim bail by this Court and he is regularly appearing before the learned trial 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.

8. Consequently, the present petition is allowed. Interim bail granted to the petitioner, vide order dated 15.09.2023, 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.

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

10. The above observations be not 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. Also clarified that non-appearance of petitioner before learned trial Court shall be construed as misuse of the concession.
12. Pending criminal misc. application(s), if any, shall also stand disposed off.

20.02.2024
SN

(MAHABIR SINGH SINDHU)
JUDGE

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