

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

213

2024:PHHC:060594

CRM-M-48848-2023

Date of decision: May 2nd, 2024

Baldev Singh alias Bau

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

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

Mr. Amit Rana, Senior Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

This is a second petition filed by the petitioner seeking the concession of regular bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.34 dated 12.03.2022 under Sections 18 and 29 of the NDPS Act, 1985, at Police Station Sultanwind, District Amritsar.

2. On 16.04.2024, following order was passed:-

“Learned State counsel has filed status report by way of affidavit of Assistant Commissioner of Police, South, Amritsar, which is taken on record. He has reiterated that after the conclusion of the prosecution evidence, an application under Section 311 of the Cr.P.C. was moved for examining PW-3 Tejinder Singh as inadvertently, he had not been examined on certain crucial facts of the case.

Learned counsel appearing for the petitioner has yet against vehemently controverted the contents of the status report, which has been filed today in the Court and has disputed the instructions received by the learned State counsel.

In the circumstances, let a report be called from the trial Court concerned with respect to the status of the trial including as to whether the prosecution evidence stands concluded or not.

Adjourned to 22.04.2024.”

3. In compliance of the above order, report of learned trial Court has been received and perused.

4. As per the report, the delay in trial is due to the jail authorities failing to produce the accused in the Court.

5. As per the allegations, total 3 kilograms of opium (2 kilograms from house of the petitioner and 1 kilogram from the car in which the petitioner was travelling), which is marginally higher than the quantity classified as commercial, was allegedly recovered. A perusal of the file reveals that co-accused Gurjit Singh alias Sunny, who was travelling in the car with the petitioner, has been granted bail by a coordinate Bench of this Court.

6. The petitioner is in custody since 07.02.2023 and in the facts and circumstances as enumerated hereinabove, the trial is unlikely to conclude in the near future. Accordingly, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

7. Needless to say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

May 2nd, 2024

Puneet

**(MANJARI NEHRU KAUL)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : No