

223

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

CRM-M-48593-2023 (O&M)

Date of decision : 22.02.2024

Gurpreet Singh

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Puran Singh Hundal, Senior Advocate,
with Mr. Vikramjeet Singh, Advocate,
for the petitioner.

Ms. Manjot Kaur, AAG, 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.59 dated 20.04.2020, under Sections 15, 25 & 29 of the Narcotic Drugs and Psychotropic Substances, Act, 1985 (for short, 'the NDPS Act'), registered at Police Station Longowal, District Sangrur.

2. Allegations are that co-accused Sukhdeep Singh @ Sabi was apprehended when he was coming in Bolero Maxi Truck bearing No.PB-03AT-4650 and 13 plastic bags, each containing 13.5 kgs poppy husk (broken pods) was recovered from him.

3. This Court granted interim bail to the petitioner on 14.11.2023, in the following manner:-

“Contends that petitioner has been nominated in the present FIR after a period of three years and no recovery is alleged to have been effected from him.

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

Posted on 22.01.2024.

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.”

4. Learned Senior counsel for the petitioner contends that petitioner was granted interim bail by this Court on 14.11.2023 and he is regularly appearing before learned trial Court. Further contends that there is no apprehension that petitioner is likely to influence the prosecution witnesses or hamper the trial, in any manner. Also contends that there is no recovery alleged from the petitioner; rather he has been nominated after a period of 03 years of the occurrence and supplementary challan *qua* him was presented on 09.02.2024.

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

6. Heard learned counsel for both the sides and perused the paper book.

7. Petitioner was granted interim bail by this Court and he is regularly appearing before the Court below; 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. Also noteworthy that petitioner was nominated in the present case after a period of 03 years; there is no recovery alleged from him and supplementary challan *qua* petitioner has already been presented on 09.02.2024; hence, sending him 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 14.11.2023, 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 appear on each & every date 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.

22.02.2024
atulsethi

(MAHABIR SINGH SINDHU)
JUDGE

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