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

CRM M-49555-2023 (O&M)

Date of Decision: 26.02.2024

Vicky Singh @ Vicky

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Amit Arora, Advocate,
for the petitioner.

Ms. Manjot Kaur, AAG, Punjab
assisted by SI Kashmir Singh.

MAHABIR SINGH SINDHU. J.

Present petition has been filed under Section 439 Cr.P.C seeking bail pending trial in FIR No.133 dated 12.05.2023 registered under Sections 21, 27(a) and 29 of Narcotic Drugs & Psychotropic Substances Act, 1985, at Police Station, Special Task Force, District STF Wing, SAS Nagar (Mohali).

2. Allegations in brief are that recovery of 100 grams of Heroin (non-commercial) was effected from co-accused Gurjant Singh @ Janta. Petitioner has been nominated in the present FIR on the basis of disclosure made by said co-accused.

3. Learned counsel submits that no recovery was effected from the petitioner; The alleged recovery from co-accused Gurjant Singh @ Janta is non-commercial. He was granted interim bail by this Court on 20.10.2023 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.

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

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

6. This Court, on 20.10.2023, granted interim bail to the petitioner in the following order:-

“Contends, inter alia, that petitioner is in custody since 15.05.2023; after investigation, report under Section 173 Cr.P.C. has already been submitted and there is no material at all recovered by the police during investigation for complicity of the petitioner. Further contends that there is no other criminal case pending against the petitioner.

Learned State counsel after obtaining instructions from the police official present in Court is not able to controvert the aforesaid contention. However, he seeks time to file a written response in the matter.

Posted for 11.12.2023.

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.”

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 20.10.2023, 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.

26.02.2024
SN

(MAHABIR SINGH SINDHU)
JUDGE

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