

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

CRM-M-51535-2023 (O&M)

Date of decision : 06.02.2024

Shamsher Singh @ Shera

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

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

Mr. M.S. Tiwana, 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. 112 dated 24.07.2023, under Section 21 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the Act') (offence under Section 21(C), 29 of the Act added later on), registered at Police Station Sirhali, District Tarn Taran.

2. Allegations are that 10 grams Heroin was recovered from the petitioner; whereas 260 grams recovery of heroin was effected from co-accused-Jashandeep Singh @ Joban Singh.

3. This Court granted interim bail to the petitioner on 21.11.2023, in the following manner:-

“ Contends inter alia that petitioner is in custody since 24.07.2023. After investigation, report under Section 173 Cr.P.C. has already been presented on 10.11.2023. Also contends that there is no other criminal case pending against the petitioner and recovery alleged against him is stated to be 10 gram heroin.

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

Posted for 10.01.2024.

In the meanwhile, 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/CJM/Duty Magistrate concerned.”

4. Learned counsel for the petitioner contends that petitioner is regularly appearing before the Court below and there is no allegation that petitioner is likely to misuse the concession of bail or hamper the proceedings in any manner.

5. Learned State Counsel, on instructions, has not opposed the above factual position and rather submits that petitioner is fully cooperating before the Court below.

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

7. Petitioner was granted interim bail by this Court on 21.11.2023. He is regularly appearing before the Court below; there is no allegation that petitioner 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 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 21.11.2023, 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 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 by 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.

06.02.2024
Harish Kumar

(MAHABIR SINGH SINDHU)
JUDGE

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