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

CRM-M-55492-2023 (O&M)

Date of decision : 28.02.2024

Raj Kumar @ Ranga

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

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

Mr. Neeraj Madaan, Sr. DAG, 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.60 dated 13.09.2023, under Section 22 of the Narcotic Drugs and Psychotropic Substances, Act, 1985, registered at Police Station, Taragarh, District Pathankot.

2. Allegations are that 100 tablets of Tramadol (non-commercial) as well as an amount of Rs.2,48,000/- were recovered from the petitioner.

3. Learned counsel for the petitioner contends that petitioner was granted interim bail by this Court on 10.01.2024 and he is regularly appearing before learned trial Court. There is no apprehension that petitioner is likely to influence the prosecution witnesses or hamper the trial, in any manner. Also contends that charges were

framed way back on 05.12.2023, but out of total 11 prosecution witnesses, none has been examined till date.

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

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

6. It is a matter of record that petitioner was granted interim bail by this Court 10.01.2024 and the order reads as under:-

“Contends that petitioner is in custody since 13.09.2023 and recovery is alleged to be 100 tablets of Tramadol (non-commercial).

Further contends that charges were framed by learned trial Court on 05.12.2023, but out of total 11 Pws, none has been examined till date and there is no other criminal case pending against the petitioner.

Learned State counsel seeks time to verify the above factual position.

Posted for 28.02.2024.

In the meanwhile, petitioner be released on interim bail in the present case till the next date of hearing on furnishing adequate bail and surety bonds subject to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.”

7. It is acknowledged by learned State counsel that in terms of the aforesaid order, petitioner was released on interim bail and he is regularly appearing before learned trial Court. There is no allegation that in case interim bail is made absolute, petitioner is likely to misuse the concession of bail or hamper the proceedings. Moreover, out of total 11 prosecution witnesses, none been examined till date and as such, the trial is likely to take sufficient long time; hence sending the petitioner 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 10.01.2024, 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 of hearing 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.

28.02.2024
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(MAHABIR SINGH SINDHU)
JUDGE

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