

237(2)

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM M-55301-2023 (O&M)
Date of Decision: 20.02.2024

Soni SinghPetitioner

Versus

State of PunjabRespondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. J.S. Sandhu, Advocate,
for the petitioner.

Ms. Manjot Kaur, AAG, Punjab
assisted by ASI Karan Singh.

MAHABIR SINGH SINDHU. J.

Present petition has been filed under Section 439 Cr.P.C seeking bail pending trial in FIR No.335 dated 20.07.2023 registered under Sections 22& 29 of Narcotic Drugs & Psychotropic Substances Act, 1985 at Police Station, City Barnala, District Barnala.

2. Allegations are that petitioner co-accused Rani Kaur & Usha Rani was found in possession of 710 tablets of Alprazolam & 245 tablets of Tramadol Hydrochloride.

3. This Court, on 09.11.2023, granted interim bail to the petitioner in the following order:-

“Contends that recovery against the petitioner is alleged to be 955 tablets of Alprazolam & Tramadol Hydrochloride which is non-commercial in nature. After investigation, challan stands presented and charges have also been framed.

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

Posted on 22.01.2024.

In the meantime, petitioner is ordered to be released on interim bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.”

4. Learned counsel submits that petitioner was granted interim bail by this Court on 09.11.2023 and since then, he is regularly appearing before the learned trial Court. Also contends that there is no misuse of concession by the petitioner.

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

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

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 09.11.2023, 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 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.

20.02.2024
SN

(MAHABIR SINGH SINDHU)
JUDGE

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