

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-56987-2023 (O&M)
Date of decision : 28.02.2024

Laldeen @ Lali ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Hitesh Verma, 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. 51 dated 26.08.2023, under Sections 22 & 29 of Narcotic Drugs and Psychotropice Substances Act, 1985, registered at Police Station, Sehna, District Barnala.

2. Allegations are that petitioner along with other co-accused were apprehended by police and 200 loose intoxicating tablets (non-commercial quantity) of peach colour in a transparent polythene were recovered from them.
3. Learned counsel for the petitioner contends that he is regularly appearing before learned Special Court and there is no allegation that petitioner is likely to misuse the concession of bail or hamper the proceedings in any manner.
4. Learned State Counsel, on instructions, has acknowledged that petitioner is appearing before learned Special Court and he is fully cooperating before learned Court concerned. He also acknowledged that petitioner has not

misused the concession of interim bail granted by this Court on 11.01.2024.

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

6. This Court, granted interim bail to the petitioner on 11.01.2024, in the following manner:-

“ Contends that petitioner is in custody since 26.08.2023 and after investigation, report under Section 173 Cr.P.C. has already been submitted on 24.10.2023. Also contends that alleged recovery against the petitioner is 200 loose intoxicant tablets of peach colour i.e. non-commercial in nature and there is no other criminal case pending against him.

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 bonds subject to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.”

7. Since learned State counsel has duly acknowledged that after passing of the aforesaid order, petitioner is regularly appearing before learned Special Court and there is no allegation that in case, interim bail is made absolute, he is likely to misuse the concession or hamper proceedings in any manner, in such a scenario, sending 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 11.01.2024, is made absolute. He shall be admitted to bail on furnishing bail/surety bonds to the satisfaction of learned Special Court/Chief Judicial Magistrate/Duty Magistrate concerned.

9. Petitioner shall appear on each & every date of hearing and to fully co-operate with 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.

28.02.2024
Harish Kumar

(MAHABIR SINGH SINDHU)
JUDGE

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