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

CRM-M-58217-2023 (O&M)

Date of decision : 16.09.2024

Gurtej Singh

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Siddharth Gupta, Advocate for the petitioner.

Mr. TPS Walia, AAG, Punjab.

None for the complainant.

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(s) in FIR No.0017 dated 26.03.2023, under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, the NDPS Act) [Section 29 of the NDPS Act and Section 120-B of the Indian Penal Code, 1860 (added subsequently)], registered at Police Station Dharamgarh, District Sangrur.

2. Allegations are that 80 strips (each containing 10 tablets) of Tramadol Prolonged release Tablets IP Tramwel SR-100 were recovered from the fields of Harjiwan Singh, *de facto* complainant and that led to registration of above FIR against unknown persons.

3. Learned counsel contends that petitioner was granted interim bail by this Court on 23.11.2023 and he is regularly appearing



before learned Special Court. Further contended that there is no apprehension that petitioner is likely to influence the prosecution witnesses or hamper the trial, in any manner. Specifically contended that no contraband was recovered from the petitioner.

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

5. There is no representation on behalf of the complainant.

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

7. It is a matter of record that petitioner was granted interim bail by this Court on 23.11.2023 and the order reads as under:-

“Mr. Janak Singh Bhinder, Advocate has filed Power of Attorney on behalf of the complainant.

Contends, inter alia, that co-accused, with similar allegations, has already been granted interim bail by this Court, vide order dated 15.11.2023, passed in CRM-M-55684-2023.

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

To be heard along with CRM-M-55684-2023 on 17.01.2024.

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.”

8. 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 Special Court; there is no allegation that he is likely to misuse the concession of bail or hamper the

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proceedings in case his interim bail is made absolute. Above all, no contraband was recovered from the petitioner.

9. Consequently, present petition is allowed. Interim bail granted to the petitioner, vide order dated 23.11.2023, is made absolute. Petitioner shall be admitted to bail on furnishing bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

10. 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).

11. Above observations be not construed as an expression of opinion on merits of case, in any manner.

12. 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.

Pending application(s), if any, shall also stand disposed off.

16.09.2024
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(MAHABIR SINGH SINDHU)
JUDGE

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