

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.59 OF 2015
IN
CRIMINAL APPLICATION NO.996 OF 2014
IN
CRIMINAL APPEAL NO.96 OF 2012

Lovepreet Singh

....Applicant.

Versus

I.O.NCB and another

...Respondents.

Mr. Ayaz Khan, advocate for the applicant.

Mrs. Uma S. Palsule-Desai , advocate for the respondent no.1.

Mr. Deepak Thakre, APP for the respondent-State.

CORAM : ABHAY M. THIPSAY, J.

DATED : January 29, 2015

P.C.:

Heard Mr. Ayaz Khan, learned counsel for the applicant, Mrs. Uma Palsule-Desai, learned counsel for the respondent no.1 and Mr. Deepak Thakre, learned Additional Public Prosecutor for the State.

2 Mr. Khan, learned counsel for the applicant, states that the applicant is resident of Ludhiana, which is situated at about 100 kms. from Chandigarh.

3 While releasing the applicant on bail, a condition was imposed upon the applicant that he shall report to the Narcotic Control Bureau Office, Chandigarh on every Monday between 11.00 a.m. to 12.00 noon. On an application made by the applicant, the said condition was modified to the effect that the applicant shall attend this Court on every date of hearing of the appeal and further that the appeal shall be listed for hearing after every 45 days. By the present application, applicant seeks further modification of this order.

4 Mrs. Uma Palsule-Desai, learned counsel for the respondent no.1, agrees before me that in principle there is no objection in requiring the applicant to report to the Narcotic Control Bureau Office at Chandigarh instead of requiring him to attend this Court after every 45 days. She , however, submits that the applicant may be asked to report to the office of the Narcotic Control Bureau at Chandigarh on every Monday and not once in 45 days as prayed for by the applicant. The reason for requiring the applicant to attend the office of the Narcotic Control Bureau at Chandigarh more frequently as given by the learned counsel for the respondent no.1 is that one of the co-accused in this case, who was released on bail, has absconded. She submits that there is, therefore, a greater possibility of the applicant's absconding.

5 Mr. Ayaz Khan, learned counsel for the applicant, submits that co-accused, who is said to have been absconded was a foreign National and that after having obtained permission from the Court to depart from India, he did not return to India. I agree with the learned counsel for the applicant that merely because said co-accused absconded, it can not be inferred that the present applicant would also abscond. In any case, no application for cancellation of bail granted to the applicant has been made after the said co-accused absconded. In my opinion, it would be sufficient if applicant is made to attend the office of the Narcotic Control Bureau at Chandigarh once in a month.

6 Application is partly allowed.

7 The condition requiring the applicant to attend this Court on every date of hearing of the appeal and the direction that the appeal shall be listed for hearing after every 45 days is cancelled and substituted by the following condition:

The applicant shall report to the office of the Narcotic Control Bureau Office at Chandigarh on the first Monday of every calendar month between 11.00 am to 12.00 noon. till disposal of the appeal. Should the office of the Narcotic Control Bureau at Chandigarh be closed on any given Monday, the applicant shall report to the said office on the next working day.

8 Any default committed by the applicant in reporting to the office of the Narcotic Control Bureau at Chandigarh, shall forthwith be reported to this Court by the investigating agency, for further action.

(ABHAY M. THIPSAY, J.)