

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-10122 of 2017
Date of Decision: 29.03.2017

Manjeet Singh @ Kana

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Imran Farooqi, Advocate
for the petitioner.

SURINDER GUPTA, J.(Oral)

Present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 14 dated 14.02.2014 registered for offences punishable under Sections 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and 412/482 of Indian Penal Code, at Police Station Bajakhana, District Faridkot.

Heard.

Notice of motion.

On asking of the court, Ms. Bhavna Gupta, DAG, Punjab, who is present in the Court accepts notice and submits that intimation by Registry informing of fixation of the petition has already been received and record of the case is available with her.

As per case of prosecution, recovery of 500 kgs. of poppy-husk was effected from Innova Car bearing registration no. CH-01-KS-1684, which was a stolen vehicle but occupants of the vehicle succeeded in running away from the spot. Both were named as Gurmit Singh and Pabhu in the FIR and also in subsequent proceedings which took place at the spot.

Learned State counsel submits that on the application of father of Gurmit Singh, an enquiry was conducted and it was found that Gurmit Singh was not present at the spot. The police recorded the statement of HC Kultar Sigh, who stated that on 14.02.2014 that when Innova car bearing no. CH-01-KS-1684 was apprehended, the petitioner was amongst those two persons, who had escaped from the spot. The police discharged Gurmit Singh and arrested the petitioner on 31.03.2015.

Keeping in view above facts, the identity of petitioner as the person, who escaped the police patrol party on the day Innova Car was apprehended, is a matter to be seen and determined by the trial Court at the time of final disposal.

In view of the fact that the petitioner was arrested on 31.03.2015 and is in custody since then but without expressing any opinion on merits of the case, the present petition is allowed. Petitioner-Manjeet Singh @ Kana is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- (c) He shall not leave the country without the previous permission of the Court.

March 29, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No