

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

**Crl. Misc. No.M-12938 of 2017 (O&M)
Date of Decision: May 31, 2017**

Yog Dass

.....PETITIONER(s).

VERSUS

State of Punjab

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Ashok Kumar Sama, Advocate
for the petitioner (s).

Mr. Jashanpreet Singh, A.A.G., Punjab.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 119 dated 22.10.2013 registered for the offence punishable under Section 15 of Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Sadar Abohar, District Fazilka.

Heard.

Learned counsel for the petitioner submits that Petitioner is in custody since 22.10.2013. Similarly placed co-accused Gurmeet Singh has been allowed the benefit of regular bail vide order dated 28.07.2016 passed in CRM-M No.18181 of 2016. On the ground of parity, petitioner is also entitled to benefit of regular bail.

In view of the above facts but without expressing any opinion

on the merits of the case, this petition is allowed. Pending trial, petitioner Yog Das is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of trial Court, 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- b. In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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 previous permission of the Court.

It is also made clear that in the event of prosecution witnesses not cross-examined by counsel for the petitioner, the trial Court may cancel his bail and take the petitioner in custody.

May 31, 2017
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***