

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-14564 of 2017
Date of Decision: 05.05.2017

Jaswinder Singh @ Gaggi

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Paramjit Singh Brar, Advocate
for the petitioner.

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. 214 dated 16.09.2016 registered for the offence punishable under Section 22 of the Narcotic Drugs and Psychotropic Substances Act (for short 'NDPS Act') at Police Station City Faridkot. (Offence punishable under Section 25 NDPS Act was added later on).

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.

Learned counsel for the petitioner submits that no contraband was recovered from the petitioner in this case. He has been nominated because motorcycle used in the alleged crime was owned by him. At the time of recovery of contraband from the person travelling on the motorcycle

on 16.09.2016, petitioner was already in jail and there is no other evidence available with the police that he in any manner can be connected with the contraband.

Learned State counsel submits that petitioner has been nominated in this case because of his title over the motorcycle used by other accused for carrying the contraband. However, she is not in a position to support or rebut contention of learned counsel for the petitioner that on 16.09.2016, petitioner was in jail.

As recovery of contraband was not effected from the petitioner and he has been arrested because of his title over the motorcycle bearing no. PB-04-M-6742, the present petition is allowed. Petitioner-Jaswinder Singh @ Gaggu 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.

May 05, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No