

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-1521 of 2017

Date of Decision: 23.02.2017

Major Singh @ Dodhi

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Ashish Aggarwal, Advocate
for the petitioner.

Mr. A.S. Kler, D.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. 171 dated 30.07.2014 registered for the offence punishable under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Bhikhiwind, District Tarn Taran.

Heard.

Reply by way of affidavit of Deputy Superintendent of Police, Sub Division Valtaha Camp at Bhikhiwind, District Tarn Taran, produced by learned State counsel, is taken on record.

As per case of prosecution, HC Bachittar Singh, who had been conferred local rank of ASI, apprehended petitioner on 30.07.2014 and recovery of 250 gms. of intoxicating powder was effected from him, which was later on found as 'diphenoxylate hydrochloride'. Admittedly, HC Bachittar Singh was holding the rank of ASI but had not been duly promoted to this post and was getting salary of Head Constable only.

Keeping in view similar facts in cases CRM-M-22527 of 2016 and CRM-M-38659 of 2016, bail was granted to accused with the observation that being Head Constable, Bachittar Singh was not competent to conduct the investigation, the present petition is allowed. Petitioner-Major Singh @ Dodhi 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.

February 23, 2017

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**(SURINDER GUPTA)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No