

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-17355 of 2017
Date of Decision: 22.05.2017

Baldev Singh @ Raja

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Fariad Singh Virk, 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. 346 dated 20.09.2016 registered for offences punishable under Sections 18 and 21 of Narcotics Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act') at Police Station Ambala City, District Ambala.

Heard.

Notice of motion.

On asking of the court, Mr. Vikramjit Singh, Addl. A.G., Haryana, 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 him.

As per case of prosecution, 1 kg. 900 gms. of opium, 70 gms. of heroin and 400 gms. of stickney powder were recovered from the petitioner and his co-accused, namely, Rajwinder Singh and Paramjit Singh. Co-accused-Rajwinder Singh has been allowed regular bail by Additional Sessions Judge, Ambala vide order dated 02.12.2016. However, bail has

been declined to petitioner on the ground that he is also involved in another case under the NDPS Act, wherein he has been convicted for rigorous imprisonment for ten years.

Learned counsel for the petitioner submits that appeal of the petitioner against his conviction is pending in this Court.

Keeping in view the fact that co-accused in this case has been released on bail and that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Baldev Singh @ Raja 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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 22, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No