

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-174 of 2017

Date of Decision : 13.01.2017

Amnesh

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Pankaj Bali, Advocate
for the petitioner.

Surinder Gupta, J.

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 639 dated 19.11.2016 registered for offence punishable under Section 21 of NDPS Act, 1985, at Police Station Gharaunda, District Karnal.

Heard.

Notice of motion.

On asking of the court, Ms. Harpreet Kaur, AAG, 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 her.

Learned counsel for the petitioner submits that recovery of 8.770 milligrams of smack was effected from co-accused Sunder, who was travelling on the motorcycle of petitioner. No recovery of contraband was effected from the petitioner, who is in custody since 19.11.2016.

Learned State counsel submits that challan against the petitioner and his co-accused has since been presented by the police.

Keeping in view the above facts but without expressing any

opinion on merits of the case, the present petition is allowed. Petitioner-Amnesh is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned 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- b. In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.

January 13, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/Reasoned

Yes/No

Whether Reportable

Yes/No