

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-2021 of 2017

Date of Decision: 07.11.2017

Harjinder Singh @ Sunny

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Gurnam Singh, Advocate
for the petitioner.

Mr. C.L. Pawar, Sr. 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. 4 dated 22.05.2016 registered for offences punishable under Sections 21, 23-C, 24 and 29 of Narcotics Drugs and Psychotropic Substances Act, 1985 at Police Station State Special Operation Cell , Amritsar.

Heard.

Learned State counsel submits that 4 kgs. and 900 gms. of heroin was recovered on the border regarding which there was a secret information with the police that it was being thrown from across the border from Pakistan side for delivery to the petitioner. Recovery was effected on the intervening night of 21/22.05.2016. After the recovery, petitioner was arrested on the same day i.e. on 22.05.2016 and from him a mobile phone with Pakistani SIM was also recovered.

The case of prosecution is based on secret information. After completion of investigation, the police has presented the challan in Court

and the trial is in progress in this case. No recovery was effected from petitioner and it is for the prosecution to lead evidence to connect the recovery of contraband with petitioner.

In view of above but without expressing any opinion on merits of the case and keeping in view the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Harjinder Singh @ Sunny 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.

November 07, 2017
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(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No