

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

**CRM-M-20662 of 2017
Date of Decision: 19.07.2017**

Parveen @ Vikki

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Ms. Manjot Kaur, Advocate
for Mr. Satnam Singh Gill, Advocate
for the petitioner.

Mr. Amrik Narwal, DAG, Haryana.

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.137 dated 10.05.2015 registered for offences punishable under Sections 15 of Narcotic Drugs and Psychotropic Substances Act, 1985 and 420 of Indian Penal Code, at Police Station Sadar Hansi, District Hisar.

Heard.

Learned State counsel submits that the police effected recovery of 200 kgs. of poppy-husk from a car bearing registration no. DL-2CAB-2530 and took the same into possession. The petitioner was arrested in a case bearing FIR No. 520 dated 04.09.2016 by the police of Police Station Gajraula, District Amroha and during investigation of that case he made disclosure statement and was arrested in this case.

Learned counsel for the petitioner submits that the petitioner is neither owner of car from which recovery was effected nor there is any evidence to suggest his connection with poppy-husk recovered from

abandoned car by the police. There is nothing in evidence that on 10.05.2015, the petitioner was even present within the jurisdiction of District Hisar.

The recovery was effected in this case from abandoned car and the only evidence against petitioner is his own disclosure statement, which is a fact to be seen by the trial Court as to how much reliance is to be placed on the said disclosure statement made by the 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-Parveen @ Vikki, who is in custody since 07.11.2016, 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.

July 19, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No