

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-22198 of 2017
Date of Decision: 22.06.2017

Gurpreet Singh @ Gopi @ ZarilaPetitioner

VERSUS

State of PunjabRespondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Sushma Chopra , 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.232 dated 21.09.2014 registered for the offence punishable under Section 22 of Narcotics Drugs and Psychotropic Substances Act, 1985, at Police Station Shahkot, District Jalandhar City.

Heard.

Notice of motion.

On asking of the court, Mr. T.N. Sarup, Addl.AG, Punjab, 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.

Learned counsel for the petitioner submits that no recovery was effected from the petitioner and he has been nominated in this case on the disclosure statement of main accused, namely, Baljinder Singh that he had been purchasing narcotics from the petitioner. The petitioner was in custody in some other case and thereafter, he was taken in custody in this case.

Learned State counsel submits that the petitioner was arrested on 15.01.2015 in case bearing FIR No. 15 dated 14.01.2015, registered at Police Station Shahkot. During investigation of this case, main accused-Baljinder Singh had disclosed that he had purchased narcotics from the petitioner, who was taken in custody in this case as well. He further submits that after investigation the challan has been presented by the police.

It is submitted that main accused-Baljinder has since expired and except statement of Baljinder Singh, there is no evidence against 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-Gurpreet Singh @ Gopi @ Zarila 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.

June 22, 2017
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(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No