

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-22986 of 2017
Date of Decision: 25.07.2017

Deepak

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. P.S. Sekhon, 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.67 dated 25.02.2017 registered for offences punishable under Sections 15 and 27-A of Narcotics Drugs and Psychotropic Substances Act, 1985 at Police Station Bhuna, District Fatehabad.

Heard.

Notice of motion.

On asking of the court, Mr. Deepak Grewal, DAG, 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.

The petitioner has been arrested in this case on disclosure statements of co-accused, namely, Harbans Singh and Santokh Singh, from whom 200 kgs. of poppy-husk was recovered, that they have purchased this contraband from the petitioner. Besides their disclosure statements, there is no evidence collected by the police. The relevance and admissibility of

disclosure statements of co-accused is a point to be considered by the trial Court during course of arguments. In the absence of any other substantive evidence against the petitioner, I find that no purpose will be served by keeping the petitioner behind bars.

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-Deepak 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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 25, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No