

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-26256 of 2017
Date of Decision: 02.08.2017

Bhagwant Singh

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Ms. Nisha Malik, Advocate
for Mr. J.S. Khiva, 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. 48 dated 27.04.2017 registered for the offence punishable under Section 21 of Narcotics Drugs and Psychotropic Substances Act, 1985 at Police Station City Sunam, District Sangrur.

Heard.

Notice of motion.

On asking of the court, Mr. Ajay Pal Singh Gill, DAG, 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 the petitioner was apprehended by the police on 27.04.2017 and recovery of 15 gms. of smack was effected from his possession. The police had also recovered similar quantity of smack from other co-accused out of whom Kulbir Singh and Gurpal Singh have been allowed regular bail vide orders dated

22.06.2017 and 01.08.2017 passed in CRM-M-22190-2017 and CRM-M-25258-2017, respectively. He seeks bail for the petitioner on the ground of parity with co-accused, namely, Kulbir Singh and Guralpal Singh.

Learned State counsel submits that in all nine persons were arrested and cumulative recovery of 710 gms. of contraband was effected from them, however, recovery effected from the petitioner is of 15 gms. of smack.

Keeping in view the fact that similarly placed co-accused, namely, Kulbir Singh and Guralpal Singh have already been released on regular bail and applying the principle of parity with them, the instant petition is allowed and petitioner-Bhagwant Singh 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.

August 02, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No