

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.**

**Crl. Misc. No.M-28816 of 2017 (O&M)
Date of Decision: August 16, 2017.**

Balkar Singh and another

.....PETITIONER(s).

VERSUS

State of Punjab

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Amandeep Kansal, Advocate
for the petitioner (s).

Ms. Rajni Gupta, Senior 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 petitioners in case FIR No.48 dated 27.04.2017 registered for the offence punishable under Section 21 of Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station City Sunam, District Sangrur.

Heard.

Notice of motion.

On asking of the court, Ms. Rajni Gupta, Senior D.A.G. 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 her.

As per case of prosecution, the petitioners were arrested by the

police of Police Station City Sunam and recovery of 15 gms. each of smack was effected from their possession, which falls in non-commercial quantity.

Keeping in view the nature of recovery but without expressing any opinion on merits of the case and taking into account the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioners-Balkar Singh and Bhupinder Singh are ordered to be released on regular bail on furnishing bail bonds and surety bonds to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- a. The petitioners shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- b. In the event of their absence on any date of hearing, the benefit of bail allowed to the petitioners shall stand withdrawn. The trial Court shall be competent to cancel their bail bonds and surety bonds and proceed to procure their presence in accordance with law. In that eventuality the petitioners shall have to apply for bail afresh.
- c. They shall not leave the country without the prior permission of the Court.

August 16, 2017
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***