

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-29265 of 2017
Date of Decision: 21.08.2017

Gurbhej Singh @ Bheja

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. K.S. Dhaliwal, 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.18 dated 09.11.2016 registered for offences punishable under Sections 21, 25 and 29 of Narcotics Drugs and Psychotropic Substances Act, 1985 at Police Station SSOC Amritsar, District Amritsar.

Heard.

Notice of motion.

On asking of the court, Ms. Rajni Gupta, Sr. 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 her.

Learned counsel for the petitioner submits that co-accused Gurbhej Singh @ Bheja has already been released on bail vide order dated 19.05.2017 passed in CRM-M-15475-2017.

Learned State counsel concedes that role of the petitioner is similar to the role of co-accused, namely, Gurbhej Singh @ Bheja but has

opposed the bail application of petitioner on the ground that there are four other cases registered against him, which are FIR No. 9 of 2004 for offences punishable under Section 384 and 357 IPC registered at Police Station Sultanpur Lodhi, FIR No. 63 dated 23.11.2016 for offences punishable under Sections 21/19 NDPS Act and 25 of the Arms Act, FIR No. 146 dated 08.05.2014 for offences punishable under Section 21 NDPS Act, P.S. City Tarn Taran and FIR No. 16 dated 15.02.2015 for offence punishable under Sections 307 read with Section 120-B IPC, P.S. Sarai Amanat Khan, District Tarn Taran.

Learned counsel for the petitioner submits that the petitioner is on bail in FIR Nos. 63 dated 23.11.2016, 146 dated 08.05.2014 and 16 dated 15.02.2015. The case bearing FIR No. 9 of 2004 is an old case.

Keeping in view the fact that petitioner was arrested on 18.04.2017 and co-accused, namely, Gurbhej Singh @ Bheja has already been allowed benefit of bail and that in aforesaid other cases, the petitioner is already on bail, the present petition is allowed. Petitioner-Gurbhej Singh @ Bheja 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 21, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No