

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

**1. CRM-M-34962 of 2016
Date of Decision: 20.01.2017**

Jaggu RamPetitioner

VERSUS

State of HaryanaRespondent

2. CRM-M-34966 of 2016

Rameshwar LalPetitioner

VERSUS

State of HaryanaRespondent

3. CRM-M-35033 of 2016

Ladhu LalPetitioner

VERSUS

State of HaryanaRespondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. S.N. Pillania, Advocate
for petitioners in CRM-M-34962 & CRM-M-34966 of 2016

Mr. P.S. Sekhon, Advocate
for the petitioner in CRM-M-35033 of 2016

Ms. Harpreet Kaur, AAG, Haryana.

SURINDER GUPTA, J.(Oral)

Above captioned petitions have been filed under Section 439 Code of Criminal Procedure for grant of regular bail to petitioners in case FIR No. 190 dated 12.05.2011 registered for the offences punishable under Sections 18, 25, 27-A and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS'), at Police Station Ratia, District

Heard.

Notice of motion.

On asking of the court, Ms. Harpreet Kaur, AAG, 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 her.

As per case of prosecution, the police apprehended Satya Narain, Rattan Giri and Ramesh on 12.05.2011 and effected recovery of 6 kgs. of opium from their car bearing registration no. RJ-06-UA-3910 (Maruti Van). These accused faced trial and were convicted.

Case of prosecution against Ladhu Lal, petitioner in CRM-M-35033 of 2016, is that he had entered into fake agreement for purchase of aforesaid car so that in the event of that car being apprehended, Rameshwar Lal, petitioner in CRM-M-34966 of 2016, could be protected.

Evidence against Jaggu Ram, petitioner in CRM-M-34962 of 2016, is that three accused, who were apprehended in this case by police on 12.05.2011, have made disclosure statement that opium was purchased from him and Shankar Puri.

Rameshwar Lal, petitioner in CRM-M-34966 of 2016, is owner of the vehicle, which is alleged to have been purchased by Ladhu Lal, petitioner in CRM-M-35033 of 2016 in which opium was being transported.

All the petitioners have been arrested on 20.05.2016 and no recovery of contraband was effected from them. Challan against them has been presented and investigation is complete.

Without expressing any opinion on merits of the case and keeping in view the fact that conclusion of trial will considerably take long

time, present petitions are allowed. Petitioners, Jaggu Ram, Rameshwar Lal and Ladhu Lal, in CRM-M-34962 of 2016, CRM-M-34966 of 2016 and CRM-M-35033 of 2016 respectively, are 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) 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 them 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 petitioners shall have to apply for bail afresh.
- (c) They shall not leave the country without the previous permission of the Court.

January 20, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No