

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-38426 of 2016
Date of Decision: 17.01.2017

Satnarayan

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. L.S. Sekhon, Advocate
for Mr. P.S. Sekhon, Advocate
for the petitioner.

SURINDER GUPTA, J.(Oral)

Petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 832 dated 20.09.2016, registered for the offences punishable under Sections 18 and 20 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act'), at Police Station Jhajjar, District Jhajjar.

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, recovery of 60 grams charas and 55 grams opium was effected from the petitioner in this case. Bail was declined to the petitioner by Court below on the ground that he was earlier convicted in case bearing FIR No. 119 of 2009 for offence punishable under

Learned counsel for the petitioner submits that in case bearing FIR No. 119 of 2009, the petitioner has filed appeal and his sentence has been suspended.

Without expressing any opinion on merits of the case and the fact that conclusion of the trial will considerably long time, the present petition is allowed. Petitioner-Satnarayan is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.

January 17, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No