

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

**Crl. Misc. No.M-40459 of 2017 (O&M)
Date of Decision: December 20, 2017.**

Pawan Kumar @ Kala

.....PETITIONER(s).

VERSUS

State of Punjab

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Gurveer Singh Sidhu, Advocate
for the petitioner (s).

Mr. C.L.Pawar, Sr. 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 petitioner in case FIR No. 129 dated 01.10.2016 registered for the offence punishable under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Raman, District Bathinda.

Heard.

Reply by way of affidavit filed by learned State counsel today in the Court is taken on record.

Learned State counsel submits that ASI Harjiwan Singh, No. 13/BTI was holding the substantive rank of the post of Head Constable and has been given local rank of Assistant Sub Inspector. He was given regular promotion as Assistant Sub Inspector on 14.06.2017.

As per case of the prosecution, the investigation in this case was conducted by ASI Harjiwan Singh, who was not holding the rank of

ASI, on the day when the petitioner was apprehended and recovery of contraband was effected.

Keeping in view the above facts but without expressing any opinion on merits of the case, the present petition is allowed. Petitioner-Pawan Kumar @ Kala 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- b. In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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 prior permission of the Court.

December 20, 2017
Jyoti-II

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No