

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-41241 of 2017
Date of Decision: 13.11.2017

Rohit Kumar @ Rohit

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Anterpreet Singh, 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.67 dated 28.06.2017 registered for the offence punishable under Section 18 of Narcotics Drugs and Psychotropic Substances Act, 1985 at Police Station Moti Nagar, District Police Commissionerate, Ludhiana.

Heard.

Notice of motion.

On asking of the court, Mr. Sandeep Kumar, 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 him.

As per police version, the petitioner alongwith Sanjay Kumar and Sunil Chechi was travelling in a car bearing registration no. PB-07-BD-9790 from which 2 kgs. of Opium, lying under the seat on which Sanjay @ Laddu was sitting, was recovered. During interrogation of accused-Sanjay @ Laddu, the police recovered another consignment of 3 kgs. of Opium

from dickey of Activa scooter, which he had allegedly parked in the house of petitioner-Rohit Kumar @ Rohit.

Recovery from the car falls in non-commercial quantity. The other recovery of 3 kgs. of Opium was effected from Activa scooter on the basis of disclosure statement of Sanjay @ Laddu. It is a matter to be seen during investigation as to whether the petitioner had any connection or concern with other 3 kgs. of Opium?

Without expressing any opinion on merits of the case and keeping in view the fact that recovery effected from the car falls in non-commercial quantity and that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Rohit Kumar @ Rohit 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.

November 13, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No