

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-41646 of 2017

Date of Decision: 09.11.2017

Najrudeen @ Najru

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

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

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.161 dated 02.08.2017 registered for the offence punishable under Section 15 of Narcotics Drugs and Psychotropic Substances Act, 1985 at Police Station Chhachhrauli, District Yamunanagar.

Heard.

Notice of motion.

On asking of the court, Mr. Amrik Narwal, DAG, 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 him.

Learned counsel for the petitioner submits that as per police version the petitioner was arrested on 02.08.2017 and recovery of 5 kgs. of poppy-husk was effected from him, which falls in non-commercial quantity. The police after completion of investigation has presented the challan without the report of FSL that material recovered from the petitioner was in

fact contraband.

Learned State counsel submits that the report of FSL has not been received so far but after completion of investigation, challan has been presented in Court, where the trial will commence after the receipt of report of FSL.

Keeping in view the quantity recovered, period of incarceration of petitioner and that after the receipt of FSL report trial will commence, conclusion of which will take considerably long time, the present petition is allowed. Petitioner-Najrudeen @ Najru 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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 09, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No