

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

**CRM-M-41931 of 2017**  
**Date of Decision: 13.11.2017**

Parmod Gupta

....Petitioner

**VERSUS**

State of Punjab

....Respondent

**CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA**

Present: Mr. Kushaldeep S. Sandhu, Advocate  
for the petitioner.

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**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.90 dated 27.06.2017 registered for the offence punishable under Section 15 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Morinda, District Rupnagar.

Heard.

Notice of motion.

On asking of the court, Mr. C.L. Pawar, Sr. D.A.G., 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 prosecution version, recovery of 55 kgs. of poppy-husk was effected from the house of petitioner, which was on rent with him. Landlord Jagjit Singh was a witness to consent memo and also to the recovery memo. However, in his statement dated 02.09.2017 recorded by the police, it has been stated by Jagjit Singh that his house was on rent with

petitioner. He came to know that police had come to his house and he reached there. He was apprised by SI Jatin Kapoor that recovery of 55 kgs. 750 gms. of poppy-husk had been effected from his house.

Learned counsel for the petitioner submits that Jagjit Singh as per investigating officer is a recovery witness but his statement recorded under Section 161 Cr.P.C. shows that he was not a recovery witness but was apprised later that contraband has been recovered from petitioner.

On enquiry, learned State counsel submits that there is only one statement of Jagjit Singh recorded by the police on 02.09.2017. Perusal of consent memo and recovery memo show that Jagjit Singh is cited as a witness of consent memo as well as recovery memo.

In view of above but without expressing any opinion on merits of the case and keeping in view the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Parmod Gupta 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