

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

CRM-M-42803-2017

Date of decision:- 7.12.2017

Charanjit Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. Raman Singh Dhanda, Advocate
for the petitioner.

Mr.Gaurav Bansal, AAG, Haryana.

H.S. MADAAN, J. (Oral)

This petition has been filed for the grant of regular bail to the petitioner – Charanjit Singh, an accused in FIR No.419 dated 3.10.2017, under Section 15 of the NDPS Act, registered at Police Station Indri, District Karnal.

Briefly stated, the facts of the case as per prosecution story are that on 3.10.2017 at about 8:20 p.m., a police party led by ASI Sukhwinder Singh from Police Station Indri in the area of Bhadso Chowk, Indri had intercepted the accused Charanjit Singh and on being searched as per law, he was found in possession of 2 kgs. of poppy husk; that further necessary action in the matter was taken. Ruqa was sent to police

station for registration of FIR. The matter was investigated. Accused was arrested. After completion of investigation and other formalities, challan was filed in the Court. The petitioner had moved an application for regular bail in Court of Sessions at Karnal but was unsuccessful and the same was dismissed vide order dated 2.11.2017 passed by learned Additional Sessions Judge, Karnal, as such the petitioner has approached this Court craving for the similar relief.

Notice of the petition was given to the State and State counsel has put in appearance.

I have heard learned counsel for the petitioner and learned State counsel besides going through the record.

Learned State counsel has placed on file custody certificate showing that petitioner is behind bars for two months and four days in this case. He is not shown to be involved in any other case. The petitioner is stated to be aged about 52 years. He is not shown to have any past criminal record. The quantity of the poppy husk recovered from him is quite small. The trial is stated to be at initial stage and its conclusion is likely to take some time. I find it proper and appropriate, if concession of regular bail is granted to the petitioner.

Accordingly, the petition is allowed. The petitioner be admitted to bail during the pendency of the trial, subject to his furnishing bail bonds and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate, Karnal, subject to the following conditions:

- (i) He shall appear in the Court on each and every date of hearing.

(ii)He shall not give any threat or intimidation to the prosecution witnesses.

(iii)He shall not leave India without prior permission of the Court.

However, to address the apprehensions expressed by learned State counsel that petitioner may not abscond or tamper with the prosecution evidence, it is directed that the trial Court/Chief Judicial Magistrate, Karnal would make the petitioner surrender his passport, if it has not got done by the investigating agency earlier.

In addition to that the trial Court may impose any term and condition found suitable.

In case the petitioner violates any term and condition on which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of bail.

7.12.2017
Brij

(H.S. MADAAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No