

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

Crl. Misc. No.M-43802 of 2016 (O&M)

Date of Decision: January 19, 2017.

Mukhwinder Singh @ Khindi

.....PETITIONER(s).

VERSUS

State of Punjab

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Bikramjit Aroura, Advocate
for the petitioner (s).

Mr. Ashish Sanghi, D.A.G., Punjab.

SURINDER GUPTA, J.(Oral)

This is application for grant of regular bail to the petitioner in case FIR No.73 dated 01.06.2015 registered for the offence punishable under Section 15 of Narcotics Drugs and Psychotropic Substances Act, 1985 (for short-NDPS Act) Section 25 & 29 NDPS Act added later on, at Police Station Harike, District Tarn Taran.

As per the case of prosecution, police party headed by Inspector Hardeep Singh of CIA Staff, Tarn Taran apprehended Sukhwinder Singh @ Sukha son of Jasbir Singh and five bags containing poppy-husk were recovered from his car. Police recorded disclosure statement of Sukhwinder Singh, wherein he named the petitioner as the person for whom he was carrying the poppy-husk.

Learned State counsel has argued that Sukhwinder Singh has already been allowed bail under Section 167(2) Cr.P.C. in this case. The accused was nominated in the FIR after the arrest of Sukhwinder Singh on his disclosure statement. However, police could not arrest him and he was declared proclaimed offender. Thereafter, he was arrested on 21.04.2016 and recovery of three bags of poppy-husk was again effected at his disclosure statement.

Petitioner was arrested, on disclosure statement of co-accused, on 21.04.2016. As per police version, three bags of poppy-husk were recovered from petitioner on the basis of his disclosure statement. That recovery has also been clubbed with recovery of five bags of poppy-husk effected from co-accused Sukhwinder Singh on 01.06.2015. As to whether the recovery of poppy-husk from petitioner is a continuing offence regarding which FIR No.73 dated 01.06.2015 was registered at Police Station Harike, is a question which will be decided at the time of disposal of the trial.

Keeping in view the above facts but without expressing any opinion on merits of the case, the present petition is allowed. Petitioner Mukhwinder Singh alias Khindi is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned 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.

(SURINDER GUPTA)
JUDGE

January 19, 2017
Sachin M.

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***