

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-43915 of 2016
Date of Decision: 18.07.2017

Parmeshwar @ Bholu

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Ms. Anita Balyan, Advocate
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

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.327 dated 25.06.2016 registered for offences punishable under Sections 18 and 27-A of Narcotics Drugs and Psychotropic Substances Act, 1985, at Police Station Sadar Fatehabad, District Fatehabad.

Heard.

Learned counsel for petitioner submits that no recovery was effected from the petitioner in this case, who has been nominated on the statements of co-accused, namely, Satender and Gholu, that they had purchased the contraband from the petitioner.

The petitioner was arrested on 25.06.2016 and is in custody since then.

Learned State counsel submits that after completion of investigation challan has been presented against the petitioner and trial is in progress.

Keeping in view the above facts and that the only evidence against the petitioner is statements of co-accused Satender and Gholu, a weak evidence, admissibility of which will be a point to be seen by the trial Court, the present petition is allowed. Petitioner-Parmeshwar @ Bholu 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.

July 18, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No