

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

**Crl. Misc. No.M-44525 of 2016 (O&M)
Date of Decision: September 13, 2017.**

Manjinder Singh

.....PETITIONER(s).

VERSUS

State of Punjab

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Ashok Saini, Advocate
for the petitioner (s).

Mr. Luvinder Sofat, A.A.G., Punjab.

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. 187 dated 29.10.2012 registered for the offence punishable under Section 21 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short NDPS Act) at Police Station Bhikhiwind, District Tarn Taran.

Heard.

The petitioner was summoned by the trial Court on the application of prosecution under Section 319 Cr.P.C. to face trial as an additional accused for the offence punishable under Section 29 NDPS Act vide order dated 26.08.2014.

As per case of the prosecution, the police party headed by Inspector Sukhdev Singh was having a secret information that two persons

coming on the motorcycle were bringing some intoxicant. A nakka was held and two young persons were seen coming on the motorcycle, out of whom driver of the motorcycle fled away from the spot and the person, who was pillion rider namely Sarabjit Singh was apprehended and recovery of 1Kg. of Heroine was effected from his possession.

Learned State counsel submits that during the investigation, father of petitioner-Manjinder Singh moved an application before the police about his false implication and on inquiry he was found innocent. The challan was not presented against him. However, the trial court relying on the statement of Sarabjit Singh regarding the identity of the person, who fled away from the spot as Manjinder Singh, ordered, his summoning to face trial as an additional accused. The petitioner was arrested in this case on 03.06.2016 and is facing trial. It has been stated that Sarabjit Singh from whom the recovery was effected has since been acquitted by the trial Court.

Keeping in view the above facts, without expressing any opinion on merits of the case, the present petition is allowed. Petitioner Manjinder Singh 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 prior permission of the Court.

September 13, 2017
Sachin M./Jyoti-II

(SURINDER GUPTA)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>