

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

CRM-M No.45138 of 2017 (O&M)
Date of decision : November 28, 2017

Ikenna Philip @ Ikenna and another Petitioners

Versus

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Harvinder Singh Maan, Advocate for the petitioners.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

KULDIP SINGH J. (ORAL)

Notice of motion.

Ms. Monika Jalota, DAG, Punjab accepts notice on behalf of the State. Copy of the petition supplied to her.

Heard.

Petitioners are aggrieved of the condition imposed in the bail order dated 06.09.2017 (Annexure P-2) passed by the learned Addl. Sessions Judge, S.A.S. Nagar, Mohali, vide which they were directed to furnish bail bonds in the sum of ₹1,00,000/- each with one surety of the same amount.

50 gms. of heroine each is alleged to have been recovered from the petitioners. As coming out from the order dated 06.09.2017 (Annexure P-2), both the petitioners are Nigerian National. They had moved an application dated 09.10.2017 (Annexure P-3) for amendment of the aforesaid bail order, stating that they do not know any local surety and are ready to furnish cash bonds in the sum of ₹30,000/- each. The said application was dismissed by the learned Addl. Sessions Judge, S.A.S.

Nagar, Mohali, vide order dated 25.10.2017 (Annexure P-4).

Learned counsel for the petitioners has contended that since the petitioners are Nigerian National, they do not know any local surety, therefore, they are ready to furnish personal bonds in the sum of ₹30,000/- with a cash surety of ₹30,000/- each.

It is further contended that the petitioners are also ready to surrender their passports to ensure that they do not run away from the justice. The recovery is of 50 gms. of heroine, which is non-commercial quantity. The commercial quantity is of 250 gms.

Considering the entirety of the facts and circumstances, the present petition is allowed. The bail order dated 06.09.2017 (Annexure P-2) stands amended to the effect that the petitioners shall be released on bail on their furnishing personal bonds in the sum of ₹30,000/- with a cash surety of ₹30,000/- each and further condition that both the petitioners shall surrender their passports before the police authorities and will not leave the country without prior permission of the trial court. The order dated 25.10.2017 (Annexure P-4), accordingly, is set aside.

(KULDIP SINGH)
JUDGE

November 28, 2017

sarita

Whether speaking / reasoned Yes

Whether Reportable: No