

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-4682 of 2017

Date of Decision: 21.02.2017

Sukhwinder Singh @ Sukha

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. A.S. Kaura , Advocate
for the petitioner.

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. 169 dated 04.11.2016 registered for the offence punishable under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Mehtiana, District Hoshiarpur.

Heard.

Notice of motion.

On asking of the Court, Mr. Jashanpreet Singh, AAG, Punjab, who is present in the Court accepts notice and submits that intimation by Registry informing of fixation of the petition has already been received and record of the case is available with him.

As per case of prosecution, co-accused Gurpreet Singh @ Phona and Paramvir Singh @ Karan were arrested by the police of Police Station Mehtiana District Hoshiarpur and recovery of 90 gms. and 52 gms. of intoxicating powder, respectively, was effected from them. During investigation, they disclosed that powder was supplied to them on the

direction of petitioner.

Learned counsel for the petitioner submits that the petitioner was already in custody in some other case and was having no contact with aforesaid accused persons. The prosecution has set up a story that the petitioner instructed his wife Kuljit Kaur @ Kuldeep Kaur to supply the intoxicating powder to aforesaid accused. Kuljit Kaur @ Kuldeep Kaur is not the wife of petitioner and he denies any relation with her.

In view of above facts but without expressing any opinion on merits of the case and keeping in view the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Sukhwinder Singh @ Sukha 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.

February 21, 2017
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(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No