

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-5407 of 2017

Date of Decision: 16.03.2017

Azad Singh

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. S.S. Gill, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, 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. 239 dated 19.07.2016 registered for offences punishable under Sections 20 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Kurukshetra University Kurukshetra, District Kurukshetra.

Heard.

As per case of prosecution, 13 kgs. 270 gms. of 'ganja' was recovered from the vehicle bearing registration no. HR-36-K-9194 and the petitioner alongwith other occupants of the vehicle were arrested on 20.07.2016.

Learned counsel for the petitioner submits that all the other occupants of the vehicle were allowed regular bail by the Court of Sessions and application of this petitioner was declined on the short ground that it has been filed at very early stage.

Learned State counsel submits that petitioner was owner of the

vehicle from which recovery of ganja was effected.

Recovery of contraband effected in this case is of non-commercial quantity and keeping in view the fact that co-accused have already been allowed benefit of regular bail, but without expressing any opinion on merits of the case, the present petition is allowed. Petitioner-Azad 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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 previous permission of the Court.

March 16, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No