

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-7986 of 2017

Date of Decision: 16.03.2017

Dara Singh

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Vinay Kumar Gupta, 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. 155 dated 07.08.2013 registered for offences punishable under Sections 15, 16, 27A of Narcotic Drugs and Psychotropic Substances Act, 1985 and 420, 467, 468 and 471 of Indian Penal Code (for short, "IPC") at Police Station Kalanwali, District Sirsa.

Heard.

Notice of motion.

On asking of the court, Mr. Tanuj Sharma, AAG, Haryana, 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 prosecution, 4400 kgs. of poppy-husk was effected by the police on the basis of secret information and one Lawar Singh @ Bachi was arrested at the spot. Other persons, whom Lawar Singh @ Bachi was addressing at the time of conducting raid, namely, Dugar Singh and

Makhan Singh, ran away from the spot. There is nothing in FIR that the petitioner was also present at the spot when the raid was conducted.

Learned State counsel submits that name of petitioner was recorded in the FIR on the basis of secret information and after his arrest he has identified the place from where the poppy-husk was purchased.

The petitioner was neither found at the spot nor any recovery was effected from him. It is a matter to be seen by the trial Court as to whether the petitioner had any concern with recovery of poppy-husk effected in this case.

In view of above 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-Dara 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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