

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-9629 of 2017

Date of Decision: 27.03.2017

Eric @ D.J.

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Yashpal Marken, 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. 346 dated 30.08.2016 registered for offences punishable under Sections 21B and 27A of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Bhuna, *Tehsil* and District Fatehabad.

Heard.

Notice of motion.

On asking of the court, Ms. Neelam Kashyap, DAG, 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 her.

Learned counsel for the petitioner submits that no recovery of any contraband was effected from the petitioner and he has been implicated in this case only on the disclosure statement of accused-Baljinder @ Biru, from whom the police recovered 11 gms. of heroin. Accused-Baljinder Singh is on regular bail.

Learned State counsel on instructions from ASI Bahadur submits that accused-Baljinder Singh @ Biru has been allowed interim bail. The petitioner is involved in four other cases registered at different police stations of district Fatehabad, which shows that he is habitual of dealing in trade of narcotics.

Learned counsel for the petitioner submits that two out of other four cases were registered after registration of instant FIR while two other cases were registered prior to registration of this case. All these cases have been registered on disclosure statement of accused to the effect that they have obtained narcotics from the petitioner. In neither of the cases police has recovered any narcotic from the petitioner.

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-Eric @ D.J. 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 27, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No