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

CRM-M No.11426 of 2018
Date of Decision: 03.04.2018

Chamaza @ Chimize

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Sanjay Malik, Advocate
for the petitioner.

Mr. Hittan Nehra, Addl. A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

1. Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.20 dated 21.12.2017, registered under Section 21/61/85 of NDPS Act, Section 14 of Foreigners Act and Section 207 of Motor Vehicle Act at Police Station S.T.F., Phase-4, S.A.S. Nagar, Mohali, Punjab.
2. Petitioner was found in possession of 200 grams of heroin which is non-commercial in nature.
3. Earlier application filed for grant of bail was dismissed by the Additional Sessions Judge on the ground that local address of the petitioner could not be verified and the petitioner has not surrendered his passport. Second bail

application was filed on the ground that the petitioner is living at the address of 33A/2, Gali No.18 Krishan Park Ground Floor Tilak Nagar, New Delhi and the petitioner is ready to surrender his passport. Prayer was declined on the ground that the petitioner is a Foreign National and there is every likelihood of his absconding or fleeing from the process of the Court. No change in circumstance was observed and the bail was cancelled. On 23.03.2018, this Court adjourned the case with a direction to learned State counsel to verify address of the petitioner in the context of his living at House No. 33A/2, Gali No.18 Krishan Park Ground Floor Tilak Nagar, New Delhi.

4. Learned State counsel on instructions from ASI Harbhajan Singh has informed the Court that the police has verified the given address and the wife of the petitioner is found residing in the said house.

5. As per narration given in the FIR, petitioner knows Hindi language and can speak and understand properly. It means that he has some roots in the society.

6. Since, the petitioner is accused of non-commercial quantity, I deem it appropriate to enlarge the petitioner on regular bail.

7. In view of above, petition is allowed. Petitioner is ordered to be enlarged on bail, subject to his furnishing heavy

bail bonds/surety bonds to the satisfaction of the trial Court.

8. The petitioner shall surrender his passport in the trial Court. Surrender of passport will be the condition precedent for recording satisfaction by the trial Court.

9. Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

03.04.2018
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(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No