

**221-2 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-11433-2018

Date of decision: August 07, 2018

Sahil @ Kalu

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Vipul Jindal, Advocate for
Mr. Veneet Sharma, Advocate
for the petitioner.

Mr. V.G. Jauhar, Senior DAG, Punjab.

RAJ SHEKHAR ATTRI, J.(ORAL)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to petitioner-Sahil @ Kalu in case FIR No.262 dated 22.12.2017 registered for the offences punishable under Sections 15, 21 and 22 of the Narcotic Drugs and Psychotropic Substances Act (for short, "the Act") at Police Station Cantonment, Amritsar City, District Amritsar.

Heard.

A bare perusal of the final report under Section 173 Cr.P.C. transpires that neither any role has been attributed to petitioner nor it is stated that he escaped from the spot. Even this fact is not mentioned in the recovery memo. Nothing incriminating has been recovered from him.

Today SI Prabhjeet Singh No.48 is present in court and stated that he has recorded the statement of ASI Madhu Bala and one SI Paramjeet Singh in which they have stated that said Sahil @ Kalu escaped from the spot but this fact is not mentioned in the supporting documents.

ASI Prabhjeet Singh earlier stated that in fact Sahil @ Kalu had escaped from the spot and he know him personally and further that ASI

Madhu Bala as well as SI Pramjeet Singh specifically stated that they have escaped from the spot but after going through the record, he confronted with the statement under Section 161 Cr.P.C. of SI Pramjeet Singh and ASI Madhu Bala as nothing has been mentioned therein. Now he has stated that petitioner-Sahil @ Kalu has been arrested only on the basis of a secret information.

In this view of the matter, petitioner is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.

(RAJ SHEKHAR ATTRI)
JUDGE

August 07, 2018
m. sharma

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No