

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

**Crl. Misc. No.M-23844 of 2018 (O&M)
Date of Decision: July 05, 2018**

Jahangir Ahmad Bage

.....PETITIONER(s).

VERSUS

State of Punjab

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Vipin Mahajan, Advocate
for the petitioner (s).

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. 142 dated 03.11.2017 registered for the offence punishable under Section 15 of Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Division No.2, Pathankot.

Heard.

Notice of motion.

On asking of the court, Ms. Monika Jalota, D.A.G. Punjab, 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 State counsel on instructions from ASI Harinder Singh submits that recovery of 52 Kgs of poppy-husk including the weight of bags

was effected from four persons namely Jahangir Ahmad Bage (petitioner) Abdul Gani Meer, Shaukat Ali and Ahmed Gani. The net weight of each bag recovered separately from all the above named persons was 13 Kg each.

Co-accused Abdul Gani Meer has been allowed regular bail vide order dated 25.04.2018 passed in CRM-M-8197-2018. Applying the principle of parity but without expressing any opinion on merits of the case, the present petition is allowed. Petitioner Jahangir Ahmad Bage is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned 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- b. In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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 prior permission of the Court.

July 05, 2018
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No