

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-2441-2018 (O&M)

Date of Decision: 22.3.2018

Rakesh Kumar

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. K.S.Dhaliwal, Advocate
for the petitioner (s).

Mr. Ashok Muthreja, DAG, Haryana.

RAJ SHEKHAR ATTRI, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure (for short, "Cr.P.C.") for grant of regular bail to the petitioner in case FIR No.339 dated 31.10.2017 registered for the offences punishable under Sections 20, 27A, 61, 85 of Narcotic Drugs & Pscyhotropic Substance Act (for short, "NDPS") at Police Station Sadar Hansi, District Hisar.

Heard.

Learned counsel for petitioner submits that recovery of *Ganja* has been effected from Roshan and Karambir. However, it is the allegation against the petitioner that he escaped from the spot by jumping from the vehicle.

After his arrest, the police recorded his statement under Section 27 of Evidence Act wherein he has stated that he has taken lift in the vehicle where two bags of contraband were kept.

Admissibility of the disclosure statement is debatable as it

appears to be a confession before the police.

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-Rakesh Kumar is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate or any other conditions to be imposed by the learned 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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 22, 2018

Paritosh Kumar

**(RAJ SHEKHAR ATTRI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No