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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of decision : 19.9.2018

CRM-M-25624-2018 (O/M)

Onyeka Kenneth Petitioner

Versus

State of Punjab Respondent

CRM-M-31005-2018 (O/M)

Chukwuma alias Jimmy Petitioner

Versus

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Ashok Giri, Advocate,
for petitioners in both cases.

Ms. Ruchika Sabharwal, AAG Punjab.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
 2. To be referred to the Reporter or not.
 3. Whether the judgment should be reported in the digest ?
- . - .-

KULDIP SINGH J. (ORAL)

Heard.

This order will dispose of abovementioned two connected cases.

In this case, recovery from first accused, namely, Onyeka Keeneth (petitioner) was 100 grams heroine and recovery from second accused, namely, Chukwama alias Jimmy (petitioner) was 140 grams, which is non commercial quantity in both cases.

In pursuance to last order, petitioners surrendered their passports to Investigating Officer, which is confirmed by learned State

CRM-M-25624-2018 (O/M) and CRM-M-31005-2018 (O/M)

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counsel on instructions from ASI Avtar Singh.

The only apprehension of State is that if both petitioners are released on bail, they will abscond being Foreign Nationals. However, since they have surrendered their passports to Investigating Officer, there is no likelihood of their absconding. The petitioners were arrested on 24.4.2018.

The learned counsel for petitioners has relied upon authority of Apex Court in *Olga Kozireva Versus Department of Customs*, 2002 (10) SCC 373, in which Apex Court has taken the view that mere fact that petitioner is a Foreign National is no ground to deny bail to him.

In these circumstances, both applications are allowed. Petitioners are ordered to be released on bail on their furnishing personal bonds in the sum of Rs. 50,000/- each, with one surety of the like amount each, to the satisfaction of trial Court. They shall be at liberty to furnish cash surety, in case they are unable to find local surety. However, the bail is subject to following conditions :-

- (i) Petitioners shall stay within local jurisdiction of Mohali Courts and shall furnish their respective addresses to the Court which shall be verified by the Court through police and
- (ii) Petitioners shall not leave the country or the local limits of Court without prior permission of Court.

The trial Court is directed to expedite the trial and try to dispose of case within six months.

(KULDIP SINGH)
JUDGE

19.9.2018
sjks

Whether speaking / reasoned : Yes / No
Whether Reportable : Yes / No