

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

212

**CRM-M No. 26384 of 2018
Decided on: 28.8.2018**

Uche **.....Petitioner**

Versus

State of Punjab **.....Respondent**

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Ashok Giri, Advocate, for the petitioner

Mr. K.S. Aulakh, DAG, Punjab

Rajbir Sehrawat, J.(Oral)

Present petition has been filed under Section 439 of the Cr.P.C. for seeking bail pending trial to the petitioner in FIR No. 17 dated 14.12.2017, under Sections 21 and 29 of Narcotics, Drugs and Psychotropic Substances Act, 1985 and Section 14 of Foreigners Act, 1946, registered at Police Station Special Task Force, Phase-4, SAS Nagar.

Learned counsel for the petitioner contends that the alleged recovery from the petitioner is only 100 grams of heroin, which is well below the commercial quantity. It is further contended that, in fact, this contraband was not even recovered from the petitioner. He has wrongly been involved in this case. It is contended that the petitioner is in custody since 20.1.2018; investigation of the case is completed and no useful purpose would be served by keeping the petitioner in custody any more. The counsel further submits that there is no other case against the petitioner.

On the other hand, learned State counsel, being instructed by ASI Harbhajan Singh, submits that the address given by the petitioner in the petition was verified by the police, however, the house number mentioned in the petition was not found in existence. Therefore, there is likelihood that the petitioner would flee from the course of justice in case he is granted bail.

In reply to this, learned counsel for the petitioner contends that the petitioner is a foreign national and has come to India on a valid passport. The passport of the petitioner can be confiscated by the Court to ensure that the petitioner remain present to face the trial and strict conditions can be imposed.

In view of the above submissions made by learned counsel for the petitioner, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate and further subject to the petitioner depositing his passport before the trial Court.

(RAJBIR SEHRAWAT)
JUDGE

28.8.2018

Ashwani

Speaking/Non-speaking : Yes/No
Reportable/Reasoned : Yes/No