

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-28414 of 2018
Date of Decision: 20.07.2018

Surinder Singh

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Rishu Mahajan, Advocate
for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

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.75 dated 05.05.2018 registered for offences punishable under Sections 21/22/29 of Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station C-Division, District Amritsar.

Heard.

As per case of prosecution, car bearing registration no. PB-02-BH-8596 was apprehended by the police party and from hand of driver of the car, who tried to run away, contraband weighing 360 gms. (heroin) was recovered. The petitioner was one of the person sitting on rear seat of the car and no recovery was effected from his possession.

Learned State counsel submits that four persons were travelling in car. The recovery was effected from the driver and all occupants of the car were supposed to be in conscious possession of the contraband in possession of the driver.

The question of conscious possession of the petitioner is to be looked into during investigation and by the trial Court.

In view of above but 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-Surinder Singh is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.

July 20, 2018
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(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No