

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-31841 of 2018
Date of Decision: 02.08.2018

Jarnail Singh @ Jelly

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. G.S. Sandhu, Advocate
for the petitioner.

Mr. Sandeep Kumar, 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.194 dated 19.11.2017 registered for the offence punishable under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station City Malout, District Sri Muktsar Sahib.

Heard.

Learned counsel for the petitioner submits that the petitioner was arrested in this case on 31.05.2018 and no recovery was effected from him. Co-accused from whom recovery of contraband was effected has already been allowed regular bail by Court of Sessions.

Learned State counsel on instructions from HC Karnail Singh submits that recovery from co-accused is of non-commercial quantity. Petitioner as per police version has ran away from the spot. He is, however, accused in two other similar cases registered against him under the provisions of NDPS Act. He further submits that challan in this case has

been presented in Court.

In reply to submission of learned State counsel, learned counsel for the petitioner submits that in one case the petitioner has been acquitted while in other trial is in progress .

Without expressing any opinion on merits of the case and keeping in view the fact that challan has been presented and co-accused, from whom recovery was effected has already been allowed regular bail, the present petition is allowed. Petitioner-Jarnail Singh @ Jelly 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.

August 02, 2018
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No