

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-34106 of 2018
Date of Decision: 06.09.2018

Jarnail Singh @ Goldy

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Rishu Mahajan, 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.96 dated 16.04.2015 registered for offences punishable under Sections 21/22 of Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Sultanwind, District Amritsar.

Heard.

Reply by way of affidavit of Assistant Commissioner of Police, South, Amritsar City filed by learned State counsel is taken on record.

Learned State counsel on instructions from ASI Darshan Singh submits that ASI Madan Singh was holding the substantive rank of the post of Head Constable and has been given local rank of Assistant Sub Inspector.

As per case of prosecution, the investigation in this case was conducted by ASI Madan Singh, who was not holding the rank of ASI, on the day when the petitioner was apprehended and recovery of contraband was effected.

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-Jarnail Singh @ Goldy 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.

September 06, 2018
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No