

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-34618 of 2018
Date of Decision: 06.09.2018

Nishan Singh @ Sonu

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Manbir Singh Basra, 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.13 dated 30.01.2018 registered for offences punishable under Sections 15/25/29 of Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Sri Hargobindpur, District Gurdaspur.

Heard.

Learned counsel for the petitioner submits that no recovery was effected from the petitioner. Allegation against him is that he was providing safe passage to Harwant Singh and Parveen Kumar from whom recovery of 95 kgs. of poppy-husk was effected.

Learned State counsel on instructions from ASI Baljit Singh submits that petitioner was facilitating the transportation of poppy-husk by providing safe passage to Harwant Singh and Parveen Kumar, as such, is equally liable for recovery effected from them. As the quantity of contraband recovered is commercial, petitioner is not entitled to regular

bail.

Keeping in view the fact that no recovery was effected from the petitioner and the allegation that he was facilitating the safe passage for Harwant Singh and Parveen Kumar in transporting the contraband, is to be seen by the trial Court on the basis of evidence on record, the present petition is allowed. Petitioner-Nishan Singh @ Sonu 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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