

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-366 of 2018

Date of Decision: 15.1.2018

Kala

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Sukhdeep Parmar, Advocate
for the petitioner (s).
Mr. R.K.Makkad, DAG, Haryana.

RAJ SHEKHAR ATTRI, 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.604 dated 5.9.2017 registered for the offences punishable under Sections 20 NDPS Act at Police Station Samalkha, Panipat.

Heard.

Learned counsel for the petitioner submits that the challan has been presented. Nothing has been recovered from the petitioner, rather the recovery has been effected from one Sumit. However, the petitioner has been arrested from the spot. The petitioner has been roped solely on the ground that he was occupier of the building from where the contraband was recovered but learned State counsel has conceded that there is no document of ownership or with regard to rent showing occupation of the present petitioner.

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. Petitioners-Kala son of Dalip Singh is

ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of trial Court/Chief Judicial Magistrate/Duty Magistrate, Panipat 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.

January 15, 2018

Paritosh Kumar

**(RAJ SHEKHAR ATTRI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No