

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

**CRM-31403 of 2018 in/and
CRM-M-36676 of 2018
Date of Decision: 07.09.2018**

Dilbag Singh @ Bagh

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Bikramjit Aroura, Advocate
for the petitioner.

Mr. Pawan Sharda, Sr. DAG, Punjab.

SURINDER GUPTA, J.(Oral)

CRM-31403-2018

This is application seeking permission to rectify Sections of NPDS Act and Arms Act, mentioned in the headnote of petition and its prayer clause, under which bail has been sought.

Application is allowed and amended petition is taken on record.

CRM-M-36676-2018

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.10 dated 01.02.2018 registered for offences punishable under Sections 21/25/29 of Narcotic Drugs and Psychotropic Substances Act, 1985 and 25 of the Arms Act, at Police Station Jhabhal, District Tarn Taran.

Heard.

Learned counsel for the petitioner submits that FIR in this case was registered on the basis of secret information on 01.02.2018. The petitioner was arrested on 19.04.2018 and no incriminating article except a

Pakistani SIM without mobile was alleged to have been recovered from him.

Learned State counsel submits that allegation against the petitioner is that he is indulging in smuggling of narcotics and weapons from Pakistan. However, no recovery of any weapon or narcotics was effected from the petitioner except one SIM, user of which is being verified.

Keeping in view the fact that petitioner was arrested on 19.04.2018 and the matter is still under investigation, completion of which and thereafter conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Dilbagh Singh @ Bagh 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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 07, 2018
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(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No