

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Criminal Misc.No.M-37914 of 2018 (O&M)

Date of Decision : 17.11.2018

Kapil Kumar

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present : Ms. Deepshikha Chauhan, Advocate
for the petitioner.

Mr. Brijesh Sharma, AAG, Haryana.

RAJ SHEKHAR ATTRI, J. (Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure (in short, "Cr.P.C".) for grant of regular bail to the petitioner in case FIR No.653 dated 10.07.2018 registered for the offences punishable under Sections 21-C and 25 of the Narcotic Drugs & Psychotropic Substances Act, 1985 at Police Station City Sirsa, District Sirsa.

It has been contended that the recovery is effected only from accused Parveen Kumar but during investigation, while in police custody, he disclosed that heroin was arranged and supplied by Kapil Kumar petitioner. Except this, no evidence is against the petitioner. Challan has not been submitted.

Learned State counsel has submitted that even report of forensic science laboratory has not been received. It is not clear whether recovered material falls within the ambit of NDPS Act.

Without expressing any opinion on merits of the case and

keeping in view that the report of Forensic Science Laboratory is not received, the petitioner is ordered to be released on bail, till the presentation of the report of Forensic Science Laboratory, on furnishing bail bond and surety bond to the satisfaction of concerned Illaqa/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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.
- (d) In case it was found that the recovery falls within commercial quantity, then the petitioner has to surrender before the learned trial Court and this order shall automatically ceased to exist.

Disposed of accordingly.

**(RAJ SHEKHAR ATTRI)
JUDGE**

17.11.2018
mamta

Whether speaking/reasoned
Whether Reportable :

Yes/No
Yes/No