

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

CRM-M-38455-2018 (O&M)

Date of decision: 9.10.2018

Rashpal Singh

...Petitioner(s)

VERSUS

State of Punjab

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Parambir Singh, Advocate.
for the petitioner .

Mr. Saurav Khurana, DAG, Punjab.

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.127 dated 8.11.2017 registered for the offences punishable under Sections 21 of Narcotic Drugs & Pscyhotropic Substance Act at Police Station Chohla Sahib, District Tarn Taran.

Heard.

Learned counsel for petitioner submits that the recovery in this case is of 120 grams of Heroin which falls within non-commercial quantity as the quantity above 250 grams falls within commercial quantity.

However, the bail application has been contested by learned State counsel solely on the ground that the petitioner was earlier convicted in

other case vide FIR No.37 dated 1.5.2001 but the petitioner was now on bail in that case.

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-Rashpal Singh son of Chanan Singh 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.
- (d) He will not indulge in any activity relating to possessions or trade of narcotics.

October 9, 2018
Paritosh Kumar

(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No