

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

**CRM-33255 of 2018 in/and
CRM-M-39066 of 2018
Date of Decision: 21.09.2018**

Mandeep Singh @ Hathi

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Vinay Kumar Gupta, Advocate
for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

SURINDER GUPTA, J.(Oral)

CRM-33255-2018

This is an application to place on record the amended petition rectifying the sections under which the bail has been sought.

Application is allowed and amended petition is taken on record.

CRM-M-39066-2018

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.136 dated 30.12.2017 registered for offences punishable under Sections 22/29 of Narcotic Drugs and Psychotropic Substances Act, 1985; 473 of Indian Penal Code; and 25/27 of the Arms Act, at Police Station Mehna, District Moga.

Heard.

Learned State counsel submits that the petitioner alongwith co-accused, namely, Parminder Singh was travelling in a car, when they were apprehended on the basis of secret information and recovery of 800 tablets

of 'Alprazolam' was effected from the co-accused and from possession of petitioner a country made pistol was recovered and he was arrested on 30.12.2017.

Keeping in view the fact that recovery of contraband has been effected from co-accused and it is a matter to be seen by the trial Court as to whether for the contraband in possession of the co-accused, petitioner was also in conscious possession, the present petition is allowed. Petitioner-Mandeep Singh @ Hathi 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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 21, 2018
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No