

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

CRM-M-44866-2017

Date of decision: March 15, 2018

Tarsem Chand @ Dhipai

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Sandeep Kumar Passi, Advocate
for the petitioner.

Mr. Karanbir Singh, AAG, 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.63 dated 11.06.2017 registered for the offences punishable under Sections 22, 25 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the Act'), at Police Station Sadar Mansa, District Mansa, Punjab.

Heard.

Status report by way of affidavit of Karanveer Singh, PPS, Deputy Superintendent of Police, Sub Division Mansa, District Mansa filed by learned State counsel is taken on record.

It is a case of prosecution that recovery of 2700 tablets was effected from Jagdev Singh son of Ginder Singh and Vijay Kumar son of Darshan Chand who were driving the motorcycle. However, during investigation they disclosed that these intoxicant tablets were arranged by Tarsem Chand @ Dhipai.

Admittedly, no recovery has been effected. Liability of the petitioner qua the contraband shall be considered during the trial. However, it has been argued before me that the alleged disclosure statement is not admissible and it amounts to a confession.

To the mind of this court, provision under Section 37 of the Act is not applicable in the case in hand.

Keeping in view the circumstances of the 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-Tarsem Chand @ Dhipai 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 concerned 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(b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.

(RAJ SHEKHAR ATTRI)
JUDGE

March 15, 2018
m. sharma

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No