

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-46312 of 2018
Date of Decision: 26.10.2018

Balbir

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. C.R. Narwal, Advocate
for the petitioner.

Mr. Amrik Narwal, DAG, Haryana.

SURINDER GUPTA, 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.217 dated 15.07.2018 registered for the offence punishable under Section 20 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Narnaund, District Hisar.

Heard.

Learned State counsel submits that instant FIR was registered at Police Station Narnaund, District Hisar on recovery of 1 kg. 600 gms. of Ganja from co-accused, namely, Shisha @ Mahender. Allegations against the petitioner are that he had supplied Ganja to co-accused, Shisha @ Mahender.

Learned counsel for the petitioner submits that co-accused, Shisha @ Mahender, has already been released on regular bail by the trial Court vide order dated 13.08.2018 copy of which has been placed on file as Annexure P-1. Allegations against the petitioner are based on disclosure

statement of co-accused Shisha @ Mahender.

Keeping in view the fact that main accused, namely, Shisha @ Mahender, has already been allowed benefit of regular bail by the Court below and allegations against the petitioner are based on disclosure statement of co-accused but without expressing any opinion on merits of the case and in view the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Balbir 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.

October 26, 2018
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(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No