

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

**CRM-M-45734-2017 (O&M)
Date of Decision: 18.7.2018**

Harvinder Singh @ Harry

.....PETITIONER(s).

VERSUS

State of Punjab

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Sahil Puri, Advocate
for the petitioner.

Mr. M.S.Naryal, D.A.G. Punjab.

RAJ SHEKHAR ATTRI, J.(Oral)

The present petition has been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No.35 dated 28.5.2015 registered for the offences punishable under Sections 22 of Narcotic Drugs and Psychotropic Substance Act at Police Station Rawalpindi Phagwara, District Kapurthala.

Heard.

As per report of the Chemical Examiner, Diacetylmorphine was detected in the powder recovered from the petitioner which was 55 grams in total. Thus, it falls within non-commercial quantity. The petitioner was earlier granted bail by learned Special Judge by observing non-commercial quantity of the contraband. However, on 9.8.2017, the petitioner was not present and his bail bonds were cancelled and forfeited to

the State.

Without expressing any opinion on the merits of the case, this petition is allowed and the order dated 2.12.2017 is made absolute till the presentation of challan, subject to the following terms:-

- (i) that the petitioner shall make himself available for interrogation by the police as and when required;
- (ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer;
- (iii) that the petitioner shall not leave India without the prior permission of the trial Court.
- (iv) that the petitioner will seek regular bail on the presentation of challan in Court.

July 18, 2018
Paritosh Kumar

(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No