

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

CRM-M-51356-2018

Date of decision: November 28, 2018

Kala Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Varun Mittal, Advocate
for the petitioner.

Mr. C.L. Pawar, Senior 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 petitioner-Kala Singh in case FIR No.94 dated 03.04.2017 registered for the offences punishable under Sections 411, 420, 465, 467, 468, 473 of Indian Penal Code, 1860 (for short, "IPC") and Section 15 of Narcotic Drugs and Psychotropic Substances Act (for short 'the Act'), 1985 at Police Station City Barnala, District Barnala.

It is a case of the prosecution that petitioner was earlier lodged in jail in FIR No.27 dated 24.06.2017, under Section 15 of the Act registered at Police Station Thuliwal. In this case, recovery of 1 kg of poppy husk from co-accused Manpreet Singh @ Nikka was effected on 03.04.2017 and at that time, the petitioner was in jail in some other case. The allegation against him is that he was conspired with co-accused Manpreet Singh @ Nikka from whom the recovery has been effected and who is already on bail.

It has been argued that the petitioner was in jail in some other case but he has already been granted bail vide order dated 23.10.2018 by the learned Additional Sessions Judge, Barnala.

Keeping in view facts and circumstances of the case and the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.

(RAJ SHEKHAR ATTRI)
JUDGE

November 28, 2018
m. sharma

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