

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CrI. Misc. No. M-8503 of 2018
Date of Decision: March 06, 2018

John

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Mr. Ashok Giri, Advocate
for the petitioner

Mr. Kirat Singh Sidhu, DAG Punjab

Sudhir Mittal, J. (Oral)

The petitioner seeks grant of regular bail in case FIR No. 16 dated 13.12.2017, registered under Sections 21, 29, 61, 85 of the NDPS Act, 1985 and Section 14 of the Foreign Act, 1946 at Police Station STF Phase-4, District Mohali.

The petitioner was arrested on 13.12.2016 for being in possession of 130 grams of heroin.

Learned counsel for the petitioner submits that the quantity recovered from the petitioner is non-commercial and that the investigation is complete and challan has already been presented in the Court. The trial may take some time to conclude and no useful purpose will be served by keeping the petitioner in custody.

Learned State counsel submits that although challan has been presented but charge has not yet been framed and, therefore, the hearing of the bail petition be deferred to await the framing of the charge.

It is not in dispute that the investigation in this case is complete. The witnesses in this case are all official witnesses and there is no likelihood of the petitioner being in a position to influence them. Keeping the petitioner in custody in definitely would not serve any useful purpose and, therefore, it would be just and appropriate to release the petitioner on bail pending trial.

In view of the above, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the trial Court concerned.

The trial Court shall direct the petitioner to furnish bail and surety bonds keeping in view the fact that the petitioner is a foreign national and if adequate surety is not furnished he may be in a position to avoid the legal process of the Court. It will also be ensured that adequate local surety is furnished apart from deposit of passport etc.

March 06, 2018

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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No