

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-947 of 2018

Date of Decision: 07.05.2018

Sarabjit Singh

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. R.K. Gupta, Advocate
for the petitioner.

Mr. Amandeep Singh Gill, Sr. DAG, Punjab.

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.279 dated 29.09.2017 registered for the offence punishable under Section 21 of Narcotic Durgs and Psychotropic Substances Act, at Police Station Sadar Ferozepur, District Ferozepur.

Short affidavit of Deputy Superintendent of Police (City), Feorzepur filed by learned State counsel is taken on record.

Heard.

As per case case prosecution, the petitioner was arrested on 29.09.2017 and recovery of 200 gms. of heroin was effected from his possession, which falls in non-commercial quantity.

Learned State counsel submits that on the disclosure statement of petitioner, an amount of ₹8 lakh was recovered from his residence, which he had earned by selling another 250 gms. of heroin.

As to whether amount of ₹8 lakh pertains to sale transaction of

250 gms. of heroin and to whom it was sold, is a matter of fact to be seen by the trial Court. However, on the basis of these allegations, recovery effected from the petitioner cannot be termed as commercial quantity of contraband at this stage.

Without expressing any opinion on merits of the case and keeping in view the fact that conclusion of trial will take considerably long time and that the petitioner is in custody for the last more than nine months, the present petition is allowed. Petitioner-Sarabjit Singh 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.

May 07, 2018
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(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No