

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

CRM-M-4740-2019

Date of decision: February 07, 2019

Rajbir Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. D.N. Ganeriwala, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, 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-Rajbir Singh, in case FIR No.39 dated 17.04.2018 registered for the offence punishable under Section 21 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Harike, District Tarn Taran.

First petition for grant of regular bail bearing *CRM-M No.42255-2018* decided on 14.11.2018 was dismissed as withdrawn.

It has been submitted that the weight of the contraband allegedly recovered comes to 250 gms and after including the weight of the polythene bag, it comes to 255 gms which falls within the non-commercial quantity.

Learned State counsel on instructions from ASI Gurmukh Singh, has submitted that recovery of 255 gms of contraband was included the weight of the polythene bag. Now challan has been submitted.

Keeping in view the peculiar facts and circumstances of the case and that the petitioner is in custody since 17th April, 2018, this court is of the view that no useful purpose would be served by detaining the petitioner behind the bars, therefore, 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 trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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

February 07, 2019
m. sharma

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