

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-29288 of 2018
Date of Decision: 26.09.2019

Nishan Singh

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. P.S. Sekhon, Advocate
for Mr. S.S. Sahu, Advocate
for the petitioner.

Mr. Amitoj Singh Dhaliwal, 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. 78 dated 29.06.2013 registered for the offence punishable under Section 15 of Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Jalalabad, District Fazilka.

Heard.

Learned counsel for petitioner has argued that as per case of prosecution, the petitioner had fled away from the spot and was identified by Sunej Kumar, an independent witness. During trial, the police has given up Sunej Kumar as having been won over by the accused, as such, it is left with no other evidence to establish the identity of petitioner and to connect him with possession of 200 kgs. of poppy-husk.

Learned State counsel submits that Sunej Kumar, an independent witness, has been given up by the prosecution and as per police

version, the petitioner while fleeing was identified by Sunej Kumar.

In view of above but without expressing any opinion on merits of the case and keeping in view the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Nishan 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.

September 26, 2019
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No