

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-18328 of 2019
Date of Decision: 14.10.2019

Mohd. Imran @ Gulam RasoolPetitioner

VERSUS

State of PunjabRespondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

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

Mr. Avtar Singh Sandhu, Addl. A.G. 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.83 dated 23.07.2018 registered for offences punishable under Sections 21 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station City-II, Malerkotla, District Sangrur.

Heard.

Learned counsel for the petitioner submits that from the house of co-accused, namely, Mohd. Yameen, 10 kgs. of *charas* and ₹22 lakhs were recovered. From the room of petitioner 1 kg. of *charas* was recovered, which falls in the category of non-commercial quantity. The petitioner was arrested in this case on 23.07.2018 and is in custody since then. Conclusion of trial will take considerably long time, as such, no purpose will be served by keeping him in custody.

Learned State counsel on instructions from ASI Nirmal Singh submits that it was a common recovery from the house of Mohd. Yameen,

where the petitioner was also present.

Before the trial Court, the prosecution had moved application for framing of joint charge against the petitioner and Mohd. Yameen but the same was declined with the observation that two different recoveries were effected from both the accused.

Without expressing any opinion on merits of the case and keeping in view the fact that charge of recovery of 1 kg. of charas from possession of the petitioner has been framed against him, which falls in non-commercial quantity and conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Mohd. Imran @ Gulam Rasool 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.

October 14, 2019
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(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No