

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-24484 of 2019
Date of Decision: 18.07.2019

Lovepreet Singh @ Lovely

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr.Prateek Pandit, Advocate
for the petitioner.

Mr. Avtar Singh Sandhu, Addl. AG, 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.204 dated 09.10.2017 registered for offences punishable under Sections 379, 379-B, 392, 394 and 395 of Indian Penal Code (for short, "IPC") and 22 of Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Maqsudan, District Jalandhar.

Heard.

Learned counsel for petitioner submits that before recording of this FIR, two FIRs were recorded on 08.10.2017 regarding snatching of two mobile phones of Sandeep Sharma and Roop Lal. The snatching in those cases have taken place on 03.10.2017 and 05.10.2017. As per statements of complainants, the police had recovered mobile phones and called them to police station on 05.10.2017 where mobile phones were shown to them. This shows that petitioner was arrested by the police on 05.10.2017 while the instant case was registered on 09.10.2017 for recovery of 105 gms. of

intoxicating powder from the petitioner.

Learned State counsel submits that witnesses, Kuldeep Sharma and Roop Lal, appear to have been won over by the petitioner. However, they were not declared hostile by the Additional P.P. attached to the trial Court. The Court is yet to scrutinize the statements of these witnesses before reaching any conclusion.

The present FIR was registered against the petitioner for offence punishable under Sections 379, 379-B, 392, 394 and 395 IPC and 22 of NDPS Act on the basis of secret information and recovery of 105 gms. of intoxicating powder containing 'diphenoxylate hydrochloride' is alleged to have been effected from him.

As per statements of Kuldeep Sharma and Roop Lal, one mobile phone and two persons (arrested by police) were shown to them on their visit to police station on 05.10.2017.

Without commenting on merits of the case, I find reasons to extend the benefit of regular bail to petitioner. The present petition is allowed and petitioner-Lovepreet Singh @ Lovely 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.

July 18, 2019
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(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No