

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-26283 of 2019
Date of Decision: 02.07.2019

Virender Kumar

....Petitioner

VERSUS

U.T. of Chandigarh

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. S.S. Sarwara, Advocate and
Mr. Gaurav Aggarwal, Advocate
for the petitioner.

Mr. Amit Kumar Goyal, APP, U.T. Chandigarh.

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.90 dated 13.04.2019 registered for offences punishable under Sections 22 and 27A of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Sector 34, Chandigarh.

Heard.

As per case of prosecution, police party headed by SI Sharminder Singh apprehended one Harjoot Singh on 13.04.2019 on the basis of secret information and recovered narcotic tablets from his possession. On his disclosure that these tablets were supplied to him by the petitioner, he (petitioner) was arrested on 15.04.2019.

Learned APP, UT Chandigarh on instructions from SI Vijay Kumar submits that challan has not been presented as FSL report has not been received regarding contents of tablets recovered from Harjoot Singh.

Allegation against the petitioner is that he had supplied the contraband and this allegation is based on disclosure statement of co-accused, Harjoot Singh, recorded by the police. No recovery of contraband has been effected from the petitioner in this case.

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-Virender Kumar 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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 02, 2019
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No