

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-26219 of 2019
Date of Decision: 05.07.2019

Sonu Kumar

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. D.S. Virk, Advocate
for the petitioner.

Ms. Dimple Jain, AAG, Haryana.

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.264 dated 29.09.2018 registered for the offence punishable under Section 22(c) of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Sadar Dabwali, District Sirsa.

Heard.

As per case of prosecution, one Raj Kumar @ Raju was arrested with a bag containing narcotic drugs. During interrogation he made a disclosure statement that drugs recovered from him was purchased from petitioner-Sonu Kumar. Petitioner was also arrested on 01.04.2019 and after completion of investigation challan against him and his co-accused has been presented in Court.

Learned counsel for the petitioner submits that no recovery was effected from the petitioner and entire case of prosecution is based on disclosure statement of co-accused, Raj Kumar @ Raju, admissibility of

which is subject to judicial scrutiny.

Learned State counsel submits that co-accused, Raj Kumar @ Raju, has made a disclosure statement about purchase of narcotic drugs recovered from him. However, police has not effected any recovery from the petitioner.

Without expressing any opinion on merits of the case, but keeping in view the fact that no recovery of contraband has been effected from the petitioner and the case of prosecution against him is based on disclosure statement of co-accused, Raj Kumar @ Raju, admissibility of which is to be seen during the trial, the present petition is allowed. Petitioner-Sonu 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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 05, 2019
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No