

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-26597 of 2019
Date of Decision: 10.07.2019

Gautam Gandhi

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Chanderhas Yadav, 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.138 dated 25.04.2019 registered for the offence punishable under Sections 20 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Sector 5, Panchkula.

Heard.

Notice of motion.

On asking of the court, Ms. Dimple Jain, AAG, Haryana, who is present in the Court accepts notice and submits that intimation by Registry informing of fixation of the petition has already been received and record of the case is available with her.

Learned counsel for petitioner submits that the case of prosecution is based on disclosure statement of co-accused that 500 gms. of Opium recovered from his possession was supplied to him by the petitioner and his co-accused, namely, Dikshit Baria. After completion of

investigation, challan against the petitioner has been presented in Court. Co-accused Dikshit Baria has already been allowed regular bail by this Court vide order dated 04.06.2019 passed in CRM-M-25330-2019.

Without expressing any opinion on merits of the case but keeping in view that offence for which challan against the petitioner has been filed is under Section 29 NDPS Act and the fact that the conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Gautam Gandhi 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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 10, 2019
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(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No