

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-26781 of 2019
Date of Decision: 04.07.2019

Vipan Kumar Kalia

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Naveen Sharma, Advocate
for the petitioner.

Mr. Rakeshinder Singh Sidhu, AAG, 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.68 dated 21.04.2019 registered for the offence punishable under Section 21 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Division no. 3, Ludhiana, District Ludhiana.

Heard.

As per case of prosecution, petitioner was arrested in this case on 21.04.2019 and recovery of 20 gms. of heroin was effected from his possession, which is a non-commercial quantity.

Learned State counsel submits that after completion of investigation challan has been presented in Court and charges have also been framed against the petitioner. The petitioner, besides this case, is also involved in two other cases under the NDPS Act.

Learned counsel for the petitioner submits that in one case petitioner has been acquitted while the other case pertains to recovery of 10

gms. of heroin, which was a small quantity.

Keeping in view the recovery of non-commercial quantity of contraband from the petitioner and the fact that investigation in this case is complete and conclusion of trial will take considerably long time but without expressing any opinion on merits of the case, the present petition is allowed. Petitioner-Vipan Kumar Kalia 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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 04, 2019
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(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No