

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-28311 of 2019
Date of Decision: 12.07.2019

Gaurav Singh Saini

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. S.S. Dinarpur, Advocate
for the petitioner.

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 Section 20 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Sector 5, Panchkula.

Heard.

Notice of motion.

On asking of the Court, Mr. Munish Sharma, 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 him.

As per case of prosecution, the petitioner was apprehended on 25.04.2019 and recovery of 500 gms. of Charas (non-commercial quantity) was effected from his possession.

Learned State counsel submits that the sample of contraband recovered from the petitioner has been sent to FSL but report has not been

received so far.

Without expressing any opinion on merits of the case but keeping in view the fact that recovery effected from the petitioner falls in non-commercial quantity and that completion of investigation; presentation of challan; and then conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Gaurav Singh Saini 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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 12, 2019
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No