

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-29731 of 2019
Date of Decision: 19.07.2019

Umesh Kumar @ Ricky

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Aakash Gupta, 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.54 dated 02.05.2019 registered for the offence punishable under Section 21 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Division No. 1 Jalandhar, District Jalandhar.

Heard.

Notice of motion.

On asking of the Court, Mr. Rakeshinder Singh Sidhu, AAG, Punjab, 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.

The petitioner was arrested by police party headed by ASI Sukhraj Singh of Police Station Division No. 1 Jalandhar and recovery of 20 gms. of intoxicating powder alleged to be Heroin was effected from his possession.

Learned State counsel on instructions from ASI Sukhraj Singh

submits that sample of powder recovered from the petitioner has been sent to FSL but the report has not been received so far. Even otherwise recovery from the petitioner is of non-commercial quantity of contraband.

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-Umesh Kumar @ Ricky 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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 19, 2019
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No