

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-29683 of 2019
Date of Decision: 22.07.2019

Joginder Singh

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. L.S.Sidhu, 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.59 dated 23.04.2019 registered for offences punishable under Sections 22 and 25 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station City Budhlada, District Mansa.

Heard.

Notice of motion.

On asking of the court, Mr. Avtar Singh Sandhu, Addl. AG, 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.

Learned counsel for the petitioner submits that after investigation petitioner has been found innocent in this case. Application seeking his discharge was moved before Illaqa Magistrate, which has been declined on the technical ground that it was moved by the SHO of the police station and not by the investigating officer.

Learned State counsel on instructions from ASI Gurdev Singh endorses the submission of learned counsel for the petitioner and submits that as per enquiry conducted in this case, the petitioner was found innocent.

In view of submission of learned State counsel, this petition is allowed. Petitioner-Joginder Singh 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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 22, 2019
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No