

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

**1. CRM-M-31691 of 2019
Date of Decision: 17.09.2019**

Mukesh Sharma @ Munna

....Petitioner

VERSUS

State of Punjab

....Respondent

2. CRM-M-38135 of 2019

Rajesh Kumar Saini

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Jasmeet Singh Ghumman, Advocate
for the petitioner in CRM-M-31691-2019.

Mr. Dhawaljeet Dutta, Advocate
for the petitioner in CRM-M-38135-2019.

SURINDER GUPTA, J.(Oral)

The present petitions have been filed under Section 439 Code of Criminal Procedure for grant of regular bail to petitioners in case FIR No. 163 dated 07.05.2019 registered for the offence punishable under Section 18 of Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Phillaur, District Jalandhar.

Heard.

Notice of motion.

On asking of the Court, Mr. Avtar Singh Sandhu, Addl. A.G. Punjab, who is present in the Court accepts notice and submits that intimation by Registry informing of fixation of the petitions has already

been received and record of the case is available with him.

As per case of prosecution, petitioners were apprehended on 06.05.2019. From possession of petitioner-Mukesh Sharma @ Munna 700 gms. of opium and from petitioner-Rajesh Kumar Saini, 500 gms. of Opium was recovered.

Learned State counsel submits that police could not find out the details of cases registered against petitioner-Mukesh Sharma @ Munna, as mentioned in his petition (CRM-M-31691-2019).

Without expressing any opinion on merits of the case but keeping in view the fact that recovery of Opium from both the petitioners is less than the commercial quantity of contraband; they are in custody for the last more than four months; after completion of investigation challan against them has been presented in Court and that conclusion of trial will take considerably long time, both the petitions are allowed. Petitioners, namely, Mukesh Sharma @ Munna and Rajesh Kumar Saini in both the petitions, are 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 petitioners shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of their absence on any date of hearing, the benefit of bail allowed to the petitioners shall stand withdrawn. The trial Court shall be competent to cancel their bail bonds and surety bonds and proceed to procure their presence in accordance with law. In that eventuality the petitioners shall have to apply for bail afresh.
- (c) They shall not leave the country without the previous permission of the Court.

September 17, 2019
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No