

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.**

**Crl. Misc. No.M-32638 of 2019 (O&M)
Date of Decision: August 26, 2019**

Baldev Krishan @ Pappu

.....PETITIONER(s).

VERSUS

State of Punjab

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. G.S. Sandhu, Advocate
for the petitioner (s).

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. 52 dated 01.07.2018 registered for the offence punishable under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985 (Section 29 NDPS Act added later on), at Police Station Bariwala, District Sri Muktsar Sahib.

Heard.

Notice of motion.

On asking of the court, Mr. Rakeshinder Singh Sidhu, A.A.G. 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. He, on instructions from ASI Dharampal, submits that one Gurkeerat Singh was apprehended

by the police of Police Station Bariwala on 01.07.2018 and from his possession 2500 tablets of 'Tramadol' and 300 tablets of 'Alprazolam' were recovered. During interrogation, Gurkeerat Singh suffered disclosure statement that petitioner is peddler and supplier of the drugs for sale to the addicts to earn profit. A separate FIR No.54 of 2018 was registered against the petitioner. He was arrested on 05.07.2018 and recovery of 240 tablets of 'Clovidol' containing 'Tramadol Hydrochloride' was effected from him. Being supplier of the contraband, petitioner is the main accused in this case.

Learned counsel for the petitioner submits that petitioner is on bail in case bearing FIR No.54 of 2018. In this case, the allegations against the petitioner are based on disclosure statement of main accused Gurkeerat Singh. The police has not collected any evidence to connect the petitioner with the supply of narcotics recovered from co-accused.

Petitioner was arrested in this case on 5.07.2018. After completion of investigation, challan against him has already been presented in the Court. Disclosure statement of Gurkeerat Singh is subject matter of appraisal by the trial Court at the time of final disposal of the case.

Keeping in view the above facts and that conclusion of trial will take considerably long time but without expressing any opinion on merits of the case, the present petition is allowed. Petitioner Baldev Krishan @ Pappu is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned 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 prior permission of the Court.

August 26, 2019

Sachin M.

**(SURINDER GUPTA)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No