

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-34823 of 2019
Date of Decision: 31.10.2019

Baldev Singh

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. K.B. Raheja, 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.114 dated 06.06.2018 registered for offences punishable under Sections 18 and 25 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Zira, District Ferozepur.

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.

Learned counsel for the petitioner submits that as per case of prosecution, 2 kgs. 600 gms. of Opium, which included the weight of envelope, was recovered from the petitioner. The police has not come out with mode of weighment and about the correctness of weighing scale, which will be a subject matter of evidence, as such, simply by mentioning that

Opium recovered from the petitioner was 2 kgs. and 600 gms. cannot be taken as recovery of commercial quantity of Opium.

Learned State counsel on instructions from ASI Vann Singh submits that Opium was weighed with plastic bag. However, weighing scale used in the recovery is not mentioned in the FIR.

Keeping in view above facts but without expressing any opinion regarding quantity of Opium, which will be an arguable point before the trial Court and that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Baldev 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.

October 31, 2019
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(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No