

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

**Crl. Misc. No.M-35200 of 2019 (O&M)
Date of Decision: September 02, 2019**

Sonu Kumar

.....PETITIONER

VERSUS

State of Punjab

.....RESPONDENT

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Vikram Singh, 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. 70 dated 21.06.2019 registered for the offence punishable under Section 22 of Narcotic Drugs & Psychotropic Substances Act, 1985, at Police Station Rahon, District SBS Nagar.

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

As per case of the prosecution, police arrested co-accused Gur

10800 tablets of Alprazolam from his possession. During investigation, he disclosed that he had procured the recovered drugs from the petitioner, who was arrested on 24.06.2019.

Learned counsel for the petitioner submits that no recovery has been effected from the petitioner and allegations against him are based on the disclosure statement of co-accused, which is the matter of scrutiny during trial.

Keeping in view the facts that no recovery was effected from the petitioner and the matter is still under investigation, the present petition is allowed. Petitioner-Sonu Kumar is ordered to be released on regular bail on his 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- b. In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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 the prior permission of the Court.

September 02, 2019

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**(SURINDER GUPTA)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No