

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

**(1) Crl. Misc. No.M-36779 of 2019 (O&M)
Date of Decision: October 23, 2019**

Bittu Singh

.....PETITIONER

VERSUS

State of Punjab

.....RESPONDENT

**(2) Crl. Misc. No.- 32946 of 2019 in/and
Crl. Misc. No.M-27225 of 2019 (O&M)**

Kulwinder Kaur

.....PETITIONER

VERSUS

State of Punjab

.....RESPONDENT

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. R.V.S.Chugh, Advocate
for the petitioner in CRM-M-36779-2019.

Mr. B.S.Jatana, Advocate
for the petitioner in CRM-M-27225-2019.

Mr. Avtar Singh Sandhu, Addl. A.G., Punjab.

SURINDER GUPTA, J.(Oral)

CRM-32946-2019

This is application for placing on record Annexure P-5 and
Annexure P-6.

Application is allowed and documents (Annexures P-5 & P-6)
are taken on record, subject to all just exceptions.

CRM-M-36779-2019 and
CRM-M-27225-2019

These petitions have been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioners in case FIR No. 59 dated 23.04.2019 registered for the offence punishable under Section 22 of Narcotic Drugs and Psychotropic Substances, Act and 211 read with Section 120-B of Indian Penal Code at Police Station City Budhlada District Mansa.

As per case of the prosecution, some contraband was recovered from Joginder Singh. Later on it was found that same was planted in his car by the petitioners.

Learned counsel for the petitioner(s) submits that Joginder Singh, who was declared innocent and was allowed regular bail by this Court vide order dated 22.07.2019 passed in CRM No. M-29683 of 2019, has been charge-sheeted by the trial Court, thereby, not believing the prosecution version. The allegations against the petitioners are of conspiracy which is yet to be proved.

Learned counsel for the petitioner(s) further submit that the charge under Section 29 of NDPS Act has also been framed against the petitioners but the same was not mentioned in the petitions filed by both of them.

Keeping in view the facts that petitioners have been arrested on 04.05.2019 and 09.05.2019 respectively and conclusion of trial will take considerably long time, both petitions are allowed. Petitioners Bittu Singh and Kulwinder Kaur are ordered to be released on regular bail under Section

22, 29 of NDPS Act and 211 read with Section 120-B IPC on furnishing their bail bonds and surety bonds to the satisfaction of concerned 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 prior permission of the Court.

October 23, 2019
Jyoti-II

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No