

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

**Crl. Misc. No.M-37060 of 2019 (O&M)
Date of Decision: September 24, 2019**

Jaswinder Singh @ Bhola

.....PETITIONER(s).

VERSUS

State of Punjab

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Sandeep Arora, Advocate
for the petitioner (s).

Mr. Amitoj Singh Dhaliwal, DAG, Punjab.

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. 35 dated 21.04.2019 registered for the offence punishable under Section 15 and 18 of Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Khamano, District Fatehgarh Sahib.

Learned State counsel submits that 14 kg of poppy plants were recovered from the petitioner at the time of his arrest on 21.04.2019.

After completion of investigation, challan against the petitioner has already been filed. The recovery from the petitioner is of poppy plants and not of opium or poppy straw or poppy husk. It will be seen by the trial Court while deciding the case as to whether the quantity of poppy plants

husk/straw.

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 Jaswinder Singh @ Bhola 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- b. In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.

September 24, 2019
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No