

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-37892 of 2019
Date of Decision: 12.09.2019

Avtar Singh @ Golu @ Billu

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Rajvir 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.43 dated 20.04.2019 registered for the offence punishable under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Chamkaur Sahib, District Rupnagar.

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.

As per case of prosecution, the petitioner was apprehended at a *naka* and 4250 tablets were recovered in the presence of S. Hazara Singh, who was vested with powers of Sub Divisional Magistrate. While appearing as PW-4, S. Hazara Singh has stated that he had not visited *naka* rather he had gone to Police Post Bella, where recovery of 4250 tablets in

different strips were effected from bag of the petitioner.

Learned State counsel on instructions from HC Avtar Singh submits that though PW-4 has turned hostile but statement of investigating officer is also relevant to explain recovery of contraband from the petitioner.

Keeping in view the fact that star witness of the prosecution has not supported the prosecution line with regard to recovery effected from the petitioner and that it will be a matter to be seen by the trial Court at the time final disposal of the case as to how recovery of contraband was effected from the petitioner, I find it to be a fit case to extend the benefit of regular bail to petitioner during pendency of trial in this case.

Without expressing any opinion on merits of the case and keeping in view the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Avtar Singh @ Golu @ Billu 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.

September 12, 2019
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No