

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-38326 of 2019
Date of Decision: 17.09.2019

Shivraj Singh @ Pappu @ Tau

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Gurpal Singh Sandhu, 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.37 dated 03.03.2019 registered for the offence punishable under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Lambi District Sri Muktsar Sahib. (Offence punishable under Sections 24 and 29 of NPDS Act, were added later on).

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, police party headed by ASI Mukhtiar Singh of Police Station Lambi, District Muktsar Sahib apprehended Ajaypal Singh and Jaswant Singh and recovered 4400 tablets of intoxicating drugs out of which 3800 tablets were 'Tramadol' and

remaining 600 tablets were 'Alprazolam'.

Learned State counsel on instructions from ASI Jasbir Singh submits that during investigation this fact has come on record that the petitioner has advanced ₹7100/- to Ajaypal Singh and Jaswant Singh for purchase of contraband and statement of one independent witness, namely, Sukhraj Singh, was also recorded, who has stated that he heard Ajaypal Singh, Jaswant Singh and Subhash having talk in this regard.

The petitioner was arrested in this case on 02.07.2019 and is in custody since then. No contraband has been recovered from his possession.

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-Shivraj Singh @ Pappu @ Tau 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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 17, 2019
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No