

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-41491 of 2019
Date of Decision: 01.10.2019

Gian Singh

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. A.S.Khosa, 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.333 dated 23.08.2019 registered for the offence punishable under Section 22 (c) of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Rania, District Sirsa.

Heard.

Notice of motion.

On asking of the Court, Ms. Dimple Jain, A.A.G. Haryana, 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 her.

A police party headed by ASI Sube Singh apprehended co-accused, namely, Malkeet Singh on 23.08.2019 and recovered 43 strips each containing 10 tablets of 'Tramadol' from his possession. During investigation, he suffered a disclosure statement that the said narcotics were purchased by him from the petitioner.

Learned counsel for the petitioner submits that only evidence against the petitioner is disclosure statement of co-accused, Malkeet Singh. No recovery of contraband has been effected from the petitioner, who is in judicial custody.

Learned State counsel submits that the petitioner was arrested on the basis of disclosure statement of co-accused. However, no recovery of contraband has been effected from the petitioner.

Without expressing any opinion on merits of the case and keeping in view the fact that admissibility of disclosure statement of co-accused will be a fact to be seen by the trial Court after recording evidence and conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Gian Singh 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.

October 01, 2019
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No