

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

**CRM-M-45264 of 2019
Date of Decision: 29.10.2019**

Satpal @ Satta

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. D.S. Virk, 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.187 dated 25.08.2019 registered for the offence punishable under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Sadar Sirsa, 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.

Learned State counsel submits that co-accused, namely, Jaspal Singh (non-applicant) was apprehended by a police party of Police Station Sadar Sirsa, District Sirsa on 25.08.2019 with 760 capsules of 'Tramadol' and other salt. During investigation it was found that these capsules had been supplied by the petitioner and he was arrested on the basis of

disclosure statement of co-accused, Jaspal Singh, on 28.08.2019.

Learned counsel for the petitioner submits that entire case of prosecution is based on disclosure statement of co-accused, admissibility of which will be an arguable point before the trial Court.

The petitioner has been arrested in this case on 28.08.2019 on the allegation that he is supplier of narcotics, which are based on disclosure statement of co-accused, admissibility of which will be an arguable point before the trial Court.

In view of above but 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-Satpal @ Satta 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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 29, 2019
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No