

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-49169 of 2019
Date of Decision: 26.11.2019

Manpreet Singh

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Ashok Saini, 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.25 dated 26.05.2018 registered for offences punishable under Sections 21 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Special Task Force, District STF Wing, Phase-IV, Mohali.

Heard.

Notice of motion.

On asking of the Court, Mr. Amitoj Singh Dhaliwal, DAG, 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, 255 gms. of Heroin was recovered from possession of the petitioner. Recovery memo shown to me by learned State counsel shows that intoxicant powder was weighed with the envelope and no separate weight of the envelope was taken.

It remains to be an arguable point before the trial Court as to

what was the actual weight of the Heroin recovered from the petitioner and the trial Court on the basis of evidence produced before it will arrive at some conclusion in this regard.

Without expressing any opinion on merits of the case and keeping in view the fact that the petitioner is in custody for the last 01 year 05 months and 29 days as on 25.11.2019 and conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Manpreet 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.

November 26, 2019
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No