

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.**

**Crl. Misc. No.M-50738 of 2019 (O&M)
Date of Decision: December 12, 2019**

Gurjant Singh @ Gaggi

.....PETITIONER

VERSUS

State of Punjab

.....RESPONDENT

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Bikramjeet Singh Jatana, Advocate
for the petitioner (s).

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. 59 dated 23.04.2019 registered for the offence punishable under Section 22 of Narcotic Drugs and Psychotropic Substances, Act (Sections 29 of NDPS Act and 211, 120-B of Indian Penal Code added later on) at Police Station City Budhlada, District Mansa.

Heard.

Notice of motion.

On asking of the court, Mr. Amitoj Singh Dhaliwal, D.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 the prosecution, some contraband was recovered from Joginder Singh. Later on it was found that same was planted in his car by the petitioner.

Learned counsel for the petitioner submits that Joginder Singh,

who was declared innocent and was allowed regular bail by this Court vide order dated 22.07.2019 passed in CRM No. M-29683 of 2019, has been charge-sheeted by the trial Court, thereby, not believing the prosecution version. The allegations against the petitioner are of conspiracy which is yet to be proved.

Learned counsel for the petitioner further submits that the charge under Section 29 of NDPS Act has also been framed against the petitioner.

Keeping in view the facts that petitioner was arrested on 04.05.2019 and conclusion of trial will take considerably long time, petition is allowed. Petitioner Gurjant Singh @ Gaggi is ordered to be released on regular bail on furnishing his bail bond and surety bond to the satisfaction of concerned 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- b. In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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 prior permission of the Court.

(SURINDER GUPTA)
JUDGE

December 12, 2019
Jyoti-II

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No