
(2017) 02 P&H CK 0037
In the Punjab And Haryana At Chandigarh
Case No : CRM-M-1690 of 2017

Ajay	Vs	APPELLANT
State of Haryana		RESPONDENT

Date of Decision : 17-02-2017

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 439
Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS) — Section 20

Citation : (2017) 2 AICLR 255 : (2017) 1 LawHerald 505

Hon'ble Judges : Mr. Surinder Gupta, J.

Bench : Single Bench

Advocate : Mr. Johan Kumar, Advocate, for the Petitioner

Final Decision : Disposed Off

Judgement

Mr. 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.384 dated 27.08.2016 registered for the offence punishable under Section 20 of Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Bhupani, District Faridabad.

2. Heard.

3. Notice of motion.

4. On asking of the court, Ms. Harpreet Kaur, AAG, 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.

5. As per case of prosecution, the petitioner was apprehended on 27.08.2016 and recovery of 1.180 kgs. of ganja was effected from him, which falls within the category of medium quantity of contraband.

6. Challan against the petitioner has since been presented and trial is still in

progress.

7. In view of above facts 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-Ajay 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 termsw -

(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(b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.