

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

**Criminal Misc. No. M-10868 of 2015
Date of Decision: 23.07.2015**

Phaman Singh

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

1. *Whether reporters of local newspapers may be allowed to see judgment?*
2. *To be referred to reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

Present:- Mr. Bhupinder Ghai, Advocate for the petitioner.

Mr. Gurinderjit Singh, DAG, Punjab.

Mr. H.C. Arora, Advocate for the complainant.

HARI PAL VERMA J.(Oral)

Prayer in the present petition filed under Section 439 CrPC is for grant of regular bail to the petitioner in case FIR No.78 dated 9.7.2014 under Sections 15/22/61/85 of the NDPS Act registered at Police Station Sadar Sunam, District Sangrur, during the pendency of trial.

Learned counsel for the petitioner contends that as regards the recovery of 20 kg of poppy husk, the same is non-commercial quantity, whereas as far as recovery of 25 bottles of Rexcof is concerned, learned counsel has relied upon an order dated 11.8.2014 passed in CRM-M-21934 of 2014 *Karamdip Singh v. State of Punjab*, wherein the accused was found in possession of 60

bottles of Rexcof and a coordinate Bench of this Court allowed regular bail to the accused. He further submits that the petitioner is in custody since 9.7.2014 and no other case is registered against the petitioner except one FIR No.57 dated 11.7.2011 under Section 15 of the NDPS Act registered at Police Station Sadar Sunam, wherein he has been acquitted vide order dated 17.10.2014 passed by Judge, Special Court, Sangrur.

Learned State counsel has filed the custody certificate of the petitioner and does not dispute his custody period as well as his acquittal in the aforesaid case.

Accordingly, the present petition is disposed of with a direction to the trial Court that the petitioner would be released on bail on the next date i.e. 29.7.2015, subject to his furnishing of bail bonds/surety bonds to its satisfaction. The petitioner would be further required to furnish an undertaking before the trial Court that he will not commit the similar offence, for which he is accused in the present case, in future. In case the petitioner is found to be involved in any such case of similar nature, the bail order shall be liable to be cancelled.

July 23, 2015
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(HARI PAL VERMA)
JUDGE