

CRM-M-15209-2015(O&M)

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

Decided on: September 29, 2015.

(1) CRM-M-15209-2015(O&M)

Rani
.. Petitioner(s)

VERSUS

State of Punjab
.. Respondent(s)

*** * ***

(2) CRM-M-20417-2015(O&M)

Banty
.. Petitioner(s)

VERSUS

State of Punjab
.. Respondent(s)

*** * ***

CORAM: HON'BLE MR.JUSTICE M.M.S.BEDI

*** * ***

**PRESENT Mr.Raman Goklaney, Advocate,
for the petitioner in both the petitions.**

Mr.Gazi Mohammad, DAG., Punjab.

M.M.S. BEDI, J. (ORAL)

This order will dispose of the above noted two petitions i.e., CRM-M-15209 of 2015, filed by Rani and CRM-M-20417 of 2015 filed by Banty, for grant of pre-arrest bail in a case registered on the basis of secret information that the petitioners indulged in sale of intoxicating tablets at their shop. On a raid having been conducted, the petitioners allegedly escaped from the spot in presence of police party whereas 350 intoxicating tablets were recovered from a polythene bag which was allegedly thrown away by

the petitioners while escaping.

Pursuant to interim orders, the petitioners have already joined investigation. The report of Forensic Science Laboratory has not yet been received and it will certainly be a debatable issue whether, in the above said circumstances, the petitioners could be said to have been in actual physical possession of the intoxicating tablets constituting an offence under Section 22 of the NDPS Act.

State counsel, on the instructions of ASI Harbans Singh, informs that the petitioners are not involved in any other case.

In view of above circumstances, both the petition are allowed. It is ordered that in case of arrest of the petitioners, they will be released on bail to the satisfaction of the arresting officer subject to the following conditions: -

- (i) That the petitioners will join investigation as and when required;
- (ii) That the petitioners will not tamper with the evidence or hamper investigation, in any manner; and
- (iii) That the petitioners will not commit the similar offence of which they are accused of, during pendency of the trial.

In case of violation of any of the above said conditions, it will be open to the prosecution agency to seek cancellation of the bail.

(M.M.S.BEDI)
JUDGE

September 29, 2015.
rka