

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

**CRM-M-17860 of 2015 (O&M)
Date of Decision: 7.7.2015**

Sher Singh and another

.....Petitioners

Vs.

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. Harinder Singh, Advocate
for the petitioners.

RAMESHWAR SINGH MALIK J. (ORAL)

Petitioners seek bail pending trial in FIR No. 118 dated 1.9.2014 under Sections 15/25/61/85 of the NDPS Act, registered at Police Station Dirba, District Sangrur.

Notice of motion.

On the asking of the Court, Mr. K.D.Sachdeva, Additional A.G. Punjab, accepts notice.

Learned counsel for the petitioners places reliance on order dated 6.12.2013 passed by this Court in CRM-M-37303 of 2013 (Surjit Kaur @ Seeto Vs. State of Punjab) and order dated 2.7.2015 passed in CRM-M-11454 of 2015 (Avtar Singh @ Bantu Vs. State of Haryana), to contend that case of the present petitioners is on better footing. He further submits that since no other case was pending against the petitioners under the NDPS Act, they are entitled for the concession of bail pending trial. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from ASI Surjan Singh, submits that present case is based on different set of facts and abovesaid orders relied upon by the learned

counsel for the petitioners have no bearing on the present case. He further submits that since the report under Section 173 Cr.P.C., has already been presented and charge has also been framed, petitioners are not entitled for the concession of bail pending trial, at this stage. He prays for dismissal of the present petition.

Having heard the learned counsel for the parties, after careful perusal of the record of the case and giving thoughtful consideration to the rival contentions raised, this Court is of the considered opinion that in the given fact situation of the present case, petitioners have not been found entitled for bail pending trial. It is so said, because the orders passed by this Court in Surjit Kaur's case (supra) and Avtar Singh's case (supra) relied upon by the learned counsel for the petitioners have not been found of any help to the petitioners, being distinguishable on facts.

Further, report under Section 173 Cr.P.C. has been presented and charge has also been framed. Next date before the learned trial court for recording the prosecution evidence is 10.7.2015. Thus, there is no delay in the trial.

In view of the above and without commenting anything further on the merits of the case, lest it should prejudice the rights of either of the parties, no case for bail pending trial is made out.

Dismissed.

(RAMESHWAR SINGH MALIK)
JUDGE

7.7.2015
Ak Sharma