

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-23728 of 2014

DATE OF DECISION: 23.01.2015

Om Parkash

.....Petitioner

Versus

State of Punjab

.....Respondent

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspaper 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. S.S. Mor, Advocate
for the petitioner.

Mr. Rajesh Mehta, Addl. A.G., Punjab.

DAYA CHAUDHARY, J.

The present petition under Section 439 Cr.P.C. has been filed for grant of regular bail to the petitioner in case FIR No. 71 dated 16.6.2013 registered under Section 15 of NDPS Act at Police Station Sadar, Kotkapura, District Faridkot.

Learned counsel for the petitioner contends that no other case is there against the petitioner and he is in custody since 16.6.2013. Learned counsel further contends that out of total 12 prosecution witnesses, only three witnesses have been examined and there is no likelihood of influencing any witness as all the witnesses are official witnesses.

Learned counsel for the respondent-State has filed custody certificate in Court today and the same is taken on record. As per custody certificate, the custody period is one year, seven months and five days as on 22.1.2015 and there is no other case against the petitioner.

In view of the submissions made by learned counsel for the petitioner and keeping in view the custody of more than one year and seven months and also the facts that out of total 12 prosecution witnesses, only three prosecution witnesses have been examined; there is no likelihood of influencing any witness as all the witnesses are official witnesses and no other case is there against the petitioner, petition is allowed. Petitioner-Om Parkash is directed to be released on regular bail subject to his furnishing bail/surety bond to the satisfaction of trial Court.

However, it is made clear that in case the petitioner is found to be involved in any other case of NDPS Act, the State is at liberty to move application for cancellation of bail.

January 23, 2015
pooja

(DAYA CHAUDHARY)
JUDGE