

CRM-M-25846-2015 (O&M)

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

**CRM-M-25846-2015 (O&M).
Decided on: September 7, 2015.**

Gursewak @ Sewak

.. Petitioner(s)

VERSUS

State of Haryana

.. Respondent(s)

*** * ***

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

*** * ***

**PRESENT Mr.P.S.Sekhon, Advocate,
for the petitioner.**

Mr.C.S.Bakshi, Addl. A.G., Haryana.

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

Petitioner seeks concession of pre-arrest bail in a case registered on the basis of recovery of 50 gms. of heroin from Krishan Kumar. Krishan Kumar during the course of investigation had allegedly disclosed that he had purchased heroin from the petitioner. It will be debatable during the course of trial whether the petitioner could, in said circumstances, be said to be in actual physical possession for the purpose of Section 21 of the NDPS Act.

State counsel, on the instructions of ASI Dalip Singh, informs that the petitioner has joined investigation

The petition is allowed. It is ordered that in case of arrest of the petitioner, he shall be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the arresting officer

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subject to the following conditions:

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

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

(M.M.S.BEDI)
JUDGE

September 7, 2015.
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