

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

**Criminal Misc. No. M-26841 of 2015
Date of Decision: 23.09.2015**

Mohd. Nafis

...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. L.S. Sekhon, Advocate
for the petitioner (s).

Mr. Gurinderjit Singh, DAG, Punjab.

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.90 dated 6.8.2014 under Sections 22/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, "the Act") registered at Police Station City-I, Malerkotla, District Sangrur.

As per the case of the prosecution, the petitioner was arrested on the basis of disclosure statement of Sandeep Markan for being in possession of 19 vials of Rexcof.

Learned counsel for the petitioner contends that the

petitioner was not found in possession of the aforesaid vials, rather his name was included only on the basis of disclosure statement of Sandeep Markan. He further submits that though there is another FIR against the petitioner i.e. FIR No.69 dated 14.8.2014 under Section 22 of the Act, registered at Police Station City-2, Malerkotla wherein he was allegedly in possession of 15 bottles of Rexcof, but the petitioner has been granted bail in that case. In support of his contentions, he relies upon judgments of this Court in the cases of **Major Singh v. State of Punjab CRM-M-17798 of 2014 decided on 21.7.2014** and **Babbi v. State of Punjab CRM-M-27788 of 2015 decided on 31.8.2015.**

Learned State counsel, on instructions from ASI Jagjit Singh, does not dispute the aforesaid facts and submits that as against the 21 cited witnesses, the prosecution has already given up 9 witnesses.

Without commenting upon the merits of the case, lest it may prejudice the case of either of the parties, this Court is of the considered opinion that the petitioner deserves the concession of regular bail.

Accordingly, this petition is accepted and the petitioner is admitted to regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court.

However, it is made clear that the observations made here-in-above shall not be construed any expression on the merits of the

case and the trial Court shall be at liberty to decide the case on the basis of available evidence. Further, in case the petitioner is found to be involved in any other case, the prosecution shall be at liberty to seek cancellation of bail of the petitioner.

September 23, 2015
AK

(HARI PAL VERMA)
JUDGE