

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

**CRM-M No. 31930 of 2015
Date of Decision : 28.09.2015**

Yakub Masih

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

- 1) *Whether Reporters of the local papers may be allowed to see the judgment?*
- 2) *To be referred to the Reporters or not?*
- 3) *Whether the judgment should be reported in the Digest?*

Present: Mr. Vivek K. Thakur, Advocate for the petitioner.

Mr. Suresh Singla, Addl. Advocate General, Punjab.

Paramjeet Singh, J.(Oral)

Custody certificate of the petitioner has been filed in Court today by learned State counsel. Same is taken on record.

This is the second petition filed under Section 439 of the Code of Criminal Procedure for grant of bail to the petitioner in case FIR No. 119, dated 11.11.2011, under Sections 15/25 of the NDPS Act, 1985, registered at Police Station Lohian, District Jalandhar City.

Earlier the petitioner approached this Court by way of CRM-M No. 14627 of 2015. This Court was not inclined to grant bail and started dictating order and when reference was made to two more FIRs lodged against the petitioner, learned counsel for the petitioner prayed for withdrawal of the said petition at that stage. The order recorded in the earlier petition reads as under :-

“Perusal of the custody certificate reveals that in addition to present FIR, two FIRs i.e. FIR No. 259 dated 09.06.2014, under Section 22 of the Narcotic Drugs & Psychotropic Substance Act, registered at Police Station City Nakodar and FIR No. 148 dated 15.12.2012 under Section 15 of the Narcotic Drugs & Psychotropic Substance Act, registered at Police Station Bhogpur, Jalandhar, have also been registered against the petitioner.

At this stage, learned counsel for the petitioner states that he may be permitted to withdraw the instant petition, at this stage.”

Learned counsel for the petitioner contends that no report was submitted with regard to identity of the petitioner. Yusif Masih @ Babbu is his brother.

I have considered the contention raised by learned counsel for the petitioner.

The name of the petitioner has been mentioned in the custody certificate as Yakub Masih @ Yusif Masih @ Babbu. The petitioner is disputing his identity. This can only be determined by a competent Court and not in a bail application.

There is no change of circumstances.

Dismissed.

September 28, 2015.
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(PARAMJEET SINGH)
JUDGE