

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

**Criminal Misc. No. M-37451 of 2015
Date of Decision:-06.11.2015**

Sukhbir Singh alias Kala and another

...Petitioners

Versus

State of Punjab

...Respondent

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. Parminder Singh Sekhon, Advocate
for the petitioners.

Mr. Sultan Singh Gill, Deputy A.G., Punjab.

HARI PAL VERMA J.(Oral)

Prayer in this petition is for grant of regular bail to the petitioners in case FIR No.94 dated 22.8.2014, under Section 15 of the NDPS Act, registered at Police Station Longowal, District Sangrur.

Learned State counsel has filed the custody certificate of petitioner No.1-Sukhbir Singh alias Kala. Same is taken on record. As per the custody certificate of petitioner No.1-Sukhbir Singh alias Kala, he is involved in other criminal cases including FIR No.130 dated 1.10.2012, under Section 15 of the NDPS Act, Police Station Dehlon.

Faced with this situation, learned counsel for the petitioners

wishes to withdraw the present petition qua petitioner No.1-Sukhbir Singh @ Kala.

The petition is dismissed as withdrawn qua petitioner No.1-Sukhbir Singh @ Kala.

Learned counsel representing petitioner No.2-Bahadur Singh, relies upon Criminal Misc. No. M-4067 of 2015 titled 'Gurdev Singh @ Guria vs. State of Punjab', decided on 29.9.2015 and contends that co-accused namely, Gurdev Singh @ Guria has already been admitted on bail by this Court vide order dated 29.9.2015 and claims parity with Gurdev Singh @ Guria. The petitioner-Bahadur Singh is in custody since 22.8.2014 and the trial will take long time. The petitioner Bahadur Singh is not involved in any other case under the NDPS Act.

Considering the fact that the petitioner-Bahadur Singh is in custody since 22.8.2014 and the fact that as against the total 17 prosecution witnesses, only 5 witnesses have been examined, the trial will take sufficient long time. As petitioner No.2-Bahadur Singh is not involved in any other case under the NDPS Act, he is unlikely to commit any such offence in future.

In view of the above, the present petition is allowed and the petitioner No.2-Bahadur Singh is admitted to regular bail subject to his furnishing bail bonds and surety bonds to the satisfaction of the trial Court.

However, in case the petitioner is found involved in any other case under the NDPS Act, the prosecution shall be at liberty to seek cancellation of his bail.

It is made clear that the observations made hereinabove shall

not be construed as reflection of any opinion on the merits of the main case and the trial Court shall decide the case on the basis of availability of evidence.

November 06, 2015
Vijay Asija

(HARI PAL VERMA)
JUDGE