

IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

211

CRM-M-38700-2014
Decided on : 02.07.2015

Natha Singh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM : HON'BLE MR.JUSTICE HARI PAL VERMA

Present : Mr.A.S.Jattana, Advocate for the petitioner.
Mr.Manish Bansal, DAG, Haryana.

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?

Hari Pal Verma, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner in FIR No.202, dated 11.07.2014, under Sections 15, 29, 61 and 85 of the NDPS Act, 1985 and others Sections 467, 468 and 471 IPC registered at Police Station Sadar Dabwali, District Sirsa.

Learned counsel for the petitioner contends that the petitioner is behind the bars since 31.07.2014 and name of the petitioner figured on the basis of disclosure statement of the co-accused, namely Lakhbir Singh and there is no other case against the petitioner.

Learned counsel for the petitioner relies upon **2013(5) RCR (Criminal) 848** titled as "**Hamid Hassan** Vs. **State of Haryana**, to contends that the petitioner and his co-accused were not arrested at the spot and the petitioner was arrested on the disclosure statement of the principal accused, therefore, petitioner is entitled to

be admitted on bail. Para No.5 of the said judgment reads as under:-

“It is conceded position that the petitioner and his co-accused, Pankaj, were not arrested on the spot. Pankaj, the co-accused of the petitioner, was arrested on the disclosure statement of Surinder Kumar, the principal accused, from whom the alleged poppy husk was recovered. Except that, no other material was collected to connect the Pankaj with the alleged offence. Said Pankaj, during investigation, alleged to have disclosed to the police that the petitioner was working with him. Except that no other material has been collected by the police to connect the petitioner with the alleged offence punishable under Section 15 of the Narcotic Drugs and Psychotropic Substances Act. Learned counsel for the State, on instructions from ASI Bhop Singh, fairly concedes that no other case is pending against the petitioner.

Learned State counsel submits that apart from the case registered under NDPS Act, the petitioner has been booked under Sections 467, 468 and 471, IPC.

To controvert the aforesaid argument, learned counsel for the petitioner contends that the offence registered under IPC is triable by the Magistrate. The fact remains that the principal offence under which the petitioner has been booked is Section 15, 29, 61 and 85 of the NDPS Act.

Keeping in view the totality of the facts and circumstances of the case and in view of the judgment rendered in *Hamid Hassan's* case (supra), present petition is allowed, and the petitioner is ordered to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the Chief Judicial Magistrate, Sirsa.

[Hari Pal Verma]
Judge

02.07.2015

sd