

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Crl. Misc. No. M-38662 of 2015
Date of Decision:-10.12.2015

Vishal Kumar @ Vishu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Jagraj Singh Khiva, Advocate for the petitioner.

Mr. Gurinderjit Singh, DAG, Punjab.

HARI PAL VERMA J.(Oral)

Prayer made in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.58, dated 27.05.2015, for offence under Sections 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station, Sadar Mansa, District Mansa.

Learned counsel for the petitioner contends that the allegation against the petitioner is that there was a recovery of *30 vials of Raxcoff Syrup* and *200 tablets of Carisoma*. He further contends that the petitioner is in custody since 27.05.2015 and is running a *Karyana* Shop. Challan has been presented in the case, but no prosecution witness has been examined. He also submits that the petitioner is not involved in any other case.

Learned counsel for the State, on instructions from, ASI-Gurtej Singh, does not dispute the custody of the petitioner as well as the fact that the petitioner is not involved in any other case.

In support of his contention, learned counsel for the petitioner relies upon order of this Court passed in CRM-M-42099 of 2013 titled as "Pradeep Singh Vs. State of Punjab", decided on 26.05.2014, wherein in a case of recovery of 60 vials of Rexcof, 200 tablets of *Carisol* and 450 Tablets of *Carisoma* from a car, this Court had admitted the petitioners on bail.

I have heard learned counsel for the parties.

Taking into consideration the order passed by Co-ordinate Bench of this Court Pradeep Singh' case (supra), as well as the fact that petitioner is in custody since 27.05.2015, I deem it appropriate to allow the present petition for grant of regular bail.

Accordingly, the present petition is accepted and the petitioner is ordered to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of the trial Court.

However, It is made clear that before releasing the petitioner, he will furnish an undertaking to the effect that he will not indulge in the similar activity again in future and that in case of his doing so, bail order passed in his favour will be liable to be cancelled.

It is also made clear that expression made here-in-above shall not be construed as an expression on the merit of the case and the trial Court shall be at liberty to decide the case on the basis of available evidence.

(HARI PAL VERMA)
JUDGE

December 10, 2015
Anjal