

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

**Criminal Misc. No. M-42051 of 2015
Date of Decision: 17.12.2015**

Gurwinder Singh

...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. K.S. Brar, Advocate
for the petitioner.

Mr. Gurinderjit Singh, DAG, Punjab.

HARI PAL VERMA J.(Oral)

Prayer in the present petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner in case FIR No.205 dated 5.6.2014 under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, "the Act") registered at Police Station Kotwali Bathinda, District Bathinda.

Learned counsel for the petitioner contends that the allegation against the petitioner, who is a student, is that he was

found in possession of 180 grams of Dyphenoxylate Hydrochloride powder. He further submits that apart from the fact that the petitioner is in custody since 7.7.2015, there is no other case against him except FIR No.10/2013 under Section 18 of the Act wherein the allegation against the petitioner was that he was found in possession of 10 grams of opium and the said quantity of opium was meant for personal consumption of the petitioner.

Learned State counsel has filed the custody certificate of the petitioner and does not dispute the fact of registration of another FIR.

Heard.

Taking into consideration the fact that the petitioner, who is a student, remained in custody from 6.6.2014 to 26.8.2014 and he is still is in custody since 7.7.2015 and out of the total 11 witnesses cited by the prosecution, none of the witnesses has been examined so far and therefore, the trial will take sufficiently long time, petitioner is admitted to regular bail subject on his furnishing of bail bonds/surety bonds to the satisfaction of the trial Court.

The petition is disposed of.

However, it is made clear that if the petitioner is found involved in any other case of similar nature, the prosecution shall be at liberty to seek cancellation of his bail.

Needless to say that the observations made here-in-above shall not be construed as any expression on the merits of

the case and the trial Court shall decide the case on the basis of evidence as available on record.

December 17, 2015
AK

(HARI PAL VERMA)
JUDGE