

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

CRL. MISC. No.M-16320 OF 2016
DATE OF DECISION : 8th AUGUST, 2016

Harnam Singh @ Nikka

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE A. B. CHAUDHARI

* * * *

Present : Mr. D. N. Ganeriwala, Advocate for the petitioner.

Mr. Vikas Chopra, DAG, Haryana.

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A. B. CHAUDHARI, J. (ORAL)

The petitioner has filed the present petition under Section 439 Cr.P.C. seeking regular bail in FIR No.120 dated 24.08.2015 registered under Section 17, 18 and 29 NDPS Act at Police Station Odhan, District Sirsa.

Heard learned counsel for the rival parties and perused the FIR and order passed by the Division Bench of this court in CRM-M-25433-2015 placed on record by learned counsel for the petitioner.

The petitioner was arrested on 25.08.2015 and is in jail since then. Undisputedly, the only allegation against the petitioner, on evidence collected by the prosecution, is that he had ₹80,000/- with him when he was arrested at some distance from the place where the accused having contraband were arrested. In other words, it is the case of the prosecution that there was attempt by the petitioner to purchase the contraband.

In my opinion, the bar of Section 37 would not come into play in such case. Be it as it may. Looking to the nature of the offence as discussed above, I make the following order:

ORDER

- (i) The petition is allowed.
- (ii) The petitioner be released on bail to the satisfaction of the concerned Trial Court/Duty Magistrate, Sirsa.
- (iii) The petitioner shall not tamper or influence the prosecution witnesses.
- (iv) In case of violation of the above condition the liberty is reserved to apply for cancellation of bail.

8th AUGUST, 2016
'raj'

(A. B. CHAUDHARI)
JUDGE