

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

CRM-M-2619 of 2016.
Decided on:-03.03.2016.

Sukhbir Singh alias Kala.

.....Petitioner.

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 petitioner.

Mr. Gurinderjit Singh, DAG, Punjab.

HARI PAL VERMA, J. (ORAL)

This is second petition under Section 439 Cr.P.C. filed by petitioner Sukhbir Singh alias Kala son of Mithu Singh, resident of village Bhutal Khurd, Tehsil Moonak, District Sangrur for grant of regular bail to him in case FIR No.94 dated 22.8.2014 under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, the NDPS Act) registered at Police Station, Longowal, District Sangrur.

The petitioner had earlier withdrawn his petition for regular bail as he was found involved in other criminal cases including FIR No.130

dated 1.10.2012 under Section 15 of the NDPS Act registered at Police Station Dehlon.

Learned counsel for the petitioner contends that the petitioner has undergone the sentence awarded in the aforementioned FIR and as on date, there is no other case pending against him under the NDPS Act. He further contends that other co-accused in this case have already been admitted on bail by this Court.

Learned State counsel, on the other hand, has filed custody certificate in Court today and does not dispute the aforesaid contentions of learned counsel for the petitioner. Custody certificate is taken on record.

Learned State counsel, however, on instructions from HC Jasbir Singh, states that the petitioner is named in another FIR No.197 dated 26.7.2015 under Sections 323, 353, 186, 148 and 149 IPC registered at Police Station City Sangrur.

Having heard the contentions raised by learned counsel for the parties and taking into consideration the fact that the petitioner has already undergone his sentence in another case which was pending against him under the NDPS Act coupled with the fact that other co-accused in this case have already been granted bail, the present petition is allowed. The petitioner is admitted to bail subject to his furnishing bail bonds and surety bonds to the satisfaction of the trial Court.

It is made clear that 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 in this case.

However, the observations made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall be at liberty to decide the case on the basis of availability of evidence.

March 03, 2016
Yag Dutt

(HARI PAL VERMA)
JUDGE