

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

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CRL. MISC. No.M-34457 OF 2016 (O&M)
DATE OF DECISION : 8th NOVEMBER, 2016

Mukesh Kumar Walia @ Lucky

.... Petitioner

Versus

State of Punjab

.... Respondent

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

* * * *

Present : Mr. J. S. Khattar, Advocate for the petitioner.

Mr. Shilesh Gupta, Additional Advocate General, Punjab.

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A. B. CHAUDHARI, J. (ORAL)

The petitioner has filed this petition under Section 439 Cr.P.C. seeking regular bail in FIR No.126 dated 27.12.2010 registered under Section 18 of the NDPS Act at Police Station Rahon, District SBS Nagar.

Heard learned counsel for the rival parties.

The petitioner was arrested on 14.06.2016 and is in jail since then. It is not in dispute that in the aforesaid FIR the allegation is that the petitioner was in possession of non-commercial quantity of opium.

Learned State Counsel submits that one more offence of the same nature is registered against the petitioner and he is on bail in that case.

This Court had asked the petitioner to file an affidavit vide order dated 25.10.2016 regarding whereabouts of the petitioner for five years. Now pursuant to that order and affidavit is filed by the wife of the

petitioner that it was not informed by the Advocate of the petitioner about the various dates before the trial Court. The affidavit is taken on record.

Be that as it may. Looking to the nature of the offence and the period spent by the petitioner in jail and that he was arrested after five years of the registration of FIR, I am inclined to grant regular bail to the petitioner. However, subject to the undertaking to be furnished by the petitioner before the trial Court that he will not indulge in such like offences in future and would attend the trial court with promptitude.

Petition is allowed.

Bail to the satisfaction of the concerned CJM/Duty Magistrate, subject to the direction aforesaid.

8th NOVEMBER, 2016
'raj'

(A. B. CHAUDHARI)
JUDGE

Whether speaking/reasoned:	Yes	No
Whether Reportable:	Yes	No.