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

CRM-M-14210 of 2017

Date of decision: July 03, 2017

Jan Pal Singh

.....Petitioner

Versus

State of Haryana

.....Respondent

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

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

Ms. Tanushree Gupta, DAG Haryana.

A.B. CHAUDHARI, J (Oral)

Heard learned counsel for the rival parties.

Petitioner seeks regular bail in FIR No.10 dated 08.02.2017, under Sections 18/61/85 and 29/61/85 of the Narcotic Drugs and Psychotropic Substance Act, 1985 (for short 'NDPS Act'), registered at Police Station Jhansa, District Kurukshetra. Petitioner was arrested and is in jail.

The evidence against the petitioner is about the disclosure statement made by his brother, namely Lakhwinder, who has been ordered to be released on bail by the trial Court vide order dated 20.03.2017. Learned State counsel submits that there is one more case against the petitioner under the NDPS Act.

Learned counsel for the petitioner submits that indeed there was a case of conviction and sentence of one year, which stands suspended vide order dated 09.01.2015 in CRM No.30896 of 2014 in

CRA-S-4096-SB of 2014. In my opinion, looking to the fact that the brother of the petitioner has been released on regular bail in the same FIR and the role attributed to the petitioner, the petitioner should be released on regular bail. However, I find that the petitioner was earlier convicted and sentence was suspended. In that view of the matter, the petitioner will have to file undertaking before the trial Court not to indulge in any offence under the NDPS or any other Act.

In that view of the matter, this petition is allowed. Petitioner is ordered to be released on bail subject to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned and subject to his filing undertaking before the trial Court not to indulge in any offence under the NDPS or any other Act within a period of 2 weeks from today, failing which he shall be arrested and taken into custody. Petitioner shall not tamper with the prosecution evidence, threaten or exercise any influence on the prosecution witnesses.

(A.B. CHAUDHARI)
JUDGE

July 03, 2017

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No