

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

CRL. MISC. No.M-22042 OF 2017
DATE OF DECISION : 9th AUGUST, 2017

Sarban Singh alias Manga

.... Petitioner

Versus

State of Punjab

.... Respondent

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

* * * *

Present : Mr. S. K. Chawla, Advocate for the petitioner.

Mr. Ramandeep Sandhu, Sr. D.A.G. Punjab.

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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.0010 dated 19.01.2017 registered under Sections 22/61/85 NDPS Act at Police Station Sadar, Faridkot.

Heard learned counsel for the rival parties.

Learned State counsel submits that there is no other offence reported against the petitioner. He further submits that the challan has been presented before the concerned Court.

Learned counsel for the petitioner makes a statement on instructions from the petitioner that the petitioner will file undertaking on affidavit that he would not indulge in any type of offence and would also submit a copy of the affidavit to the concerned Police Station.

In view of the fact that the recovery of the intoxicant tablets is of marginal quantity and further fact that no other offence of similar

nature is registered against the petitioner and the challan has since been filed before the Court, in my opinion, a chance is required to be given to the petitioner to be at liberty rather than continuing his detention as under trial.

In that view of the matter, I make the following order:

ORDER

- (i) CRL. MISC. No.M-22042 OF 2017 is allowed.
- (ii) The petitioner be released on bail to the satisfaction of the concerned CJM/Duty Magistrate.
- (iii) The petitioner shall file an affidavit within two weeks from the date of his release that he will not commit any offence again.
- (iv) The State will be at liberty to apply for cancellation of bail in case of any further commission of such type of offence by the petitioner.

9th AUGUST, 2017
'raj'

(A. B. CHAUDHARI)
JUDGE

Whether speaking/reasoned: *Yes* *No*

Whether Reportable: *Yes* *No*