

222

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

**CRM-M-28797 of 2017**

**Date of decision: October 07, 2017**

Raman Kumar and another

.....Petitioners

Versus

State of Punjab

.....Respondent

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

**Present:** Ms. Bandana Dogra, Advocate for the petitioners.

Mr. Dhruv Dayal, Sr. DAG Punjab.

\*\*\*\*

**A.B. CHAUDHARI, J (Oral)**

Heard learned counsel for the rival parties.

Petitioners seek grant of regular bail in FIR No.60 dated 05.05.2017, under Sections 21/61/85 of Narcotic Drugs and Psychotropic Substance Act, 1985, registered at Police Station Sadar Fazilka. The petitioner was arrested on 05.05.2017 and is in jail since then.

Learned State counsel, on instructions from Head Constable Balwinder Singh, fairly states that this is the first offence committed by the petitioners.

Looking to the age of the petitioners, namely 22 years and looking to their detention in jail, I think they should be released on bail when it is true that the recovery was of 100 grams of heroin, but then it is being the first offence, a chance of reformation needs to be given to the petitioners. Petitioner No.1 has filed affidavit of his mother and

petitioner No.2 has filed affidavit of his father that would keep watch on the petitioners and would not let them to indulge in the offence. Affidavits have been taken on record. Looking to the detention of the petitioners in jail since the last almost six months, it would be appropriate to release them on regular bail, subject to their furnishing undertaking.

In that view of the matter, this petition is allowed. Petitioners shall be released on bail subject to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned. Petitioners shall file undertaking before the trial Court that they will not indulge in similar or any other kind of offence in future. Petitioners shall not tamper, influence and threaten the prosecution witnesses and complainant as well.

**(A.B. CHAUDHARI)**  
**JUDGE**

**October 07, 2017**

mahavir

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No