

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

CRL. MISC. No.M-30515 OF 2017
DATE OF DECISION : 25th AUGUST, 2017

Gurdev Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

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

* * * *

Present : Ms. Poonam Tara, Advocate for the petitioner.

Ms. Samina Dhir, 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.166 dated 29.11.2014 registered under Section 21, 22, 61, 85 of NDPS Act at Police Station Majitha, District Amritsar Rural.

Heard learned counsel for the rival parties.

The petitioner was initially arrested on 29.11.2014 and released on bail on 05.01.2015 and was again arrested on 03.03.2017 and is in jail since then. As per the case of the prosecution the petitioner was found in possession of 150 grams of intoxicant powder.

Learned State counsel submits that no other case of similar nature is reported against the petitioner. She further submits that out of total ten witnesses, one witness has been examined.

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 petitioner is ready to give an affidavit as stated above and the further fact that no other case is reported against him and the trial is going on, which take long time for disposal, I am inclined to grant bail to the petitioner.

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

ORDER

- (i) CRL. MISC. No.M-30515 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 such type of 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.

25th AUGUST, 2017
'raj'

(A. B. CHAUDHARI)
JUDGE

Whether speaking/reasoned: *Yes* *No*

Whether Reportable: *Yes* *No*