

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

CRL. MISC. No.M-37347 OF 2017
DATE OF DECISION : 30th OCTOBER, 2017

Gurnam Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

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

* * * *

Present : Mr. Vivek Goel, Advocate for the petitioner.

Mr. Dhruv Dayal, Sr. D.A.G. Punjab.

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A. B. CHAUDHARI, J. (ORAL)

The petitioner-Gurnam Singh has filed the present petition under Section 439 Cr.P.C. seeking regular bail in FIR No.51 dated 20.04.2017 registered under Section 22/61/58 of NDPS Act at Police Station Sadar Faridkot, District Faridkot.

Heard learned counsel for the rival parties.

Learned State counsel submits that there is one more case of similar nature is pending against the petitioner. Following is the extract from the FIR which shows role of the petitioner:

“Then I ASI in the presence of witnesses conducted the search of Gurnam Singh and Sukhwinder Singh. Then from the polythene carried by Sukhwinder Singh in his hand 16 strips of Alpax-0.5 containing 50 tablets each i.e. total 800 tablets were recovered. The intoxicant tablets were put in the same poylthene and parcel was

prepared. Then I ASI in the presence of witnesses conducted the search of Gurnam Singh but nothing was recovered from him. The I ASI affixed my seal B.S. on the parcel.”

Upon perusal of the above averments made in the present FIR it is clear that nothing was seized from Gurnam Singh. However the recovery was made from Sukhwinder Singh who was accompanying the petitioner. In the other FIR of 2012 the trial is yet to be completed. The petitioner was arrested on 20.04.2017 in this FIR.

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 above circumstances, I am inclined to grant bail to the petitioner. Hence, I make the following order.

ORDER

- (i) The CRL. MISC. No.M-37347 OF 2017 is allowed.
- (ii) The petitioner be released on bail to the satisfaction of the concerned CJM/Duty Magistrate.
- (iii) The petitioner to surrender his passport with the trial Court, if he possesses the same.
- (iv) The petitioner shall report to the police station concerned on every Monday, Wednesday and Sunday from 11.00am to 4.00pm in addition to appearing before the trial Court on the dates fixed there.
- (v) The petitioner shall not tamper or influence the prosecution witness(es).

(vi) In case of violation of the above condition the liberty is reserved to apply for cancellation of bail.

30th OCTOBER, 2017
'raj'

(A. B. CHAUDHARI)
JUDGE

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