

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

CRM-M-38837-2017

Date of Decision: 11.12.2017

Prem Singh

.....PETITIONER

V/S

State of Punjab

.....RESPONDENT

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

Present: Mr. Vipin Mahajan, Advocate for the petitioner.

Mr. Ramandeep Singh, Sr. DAG, Punjab.

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The petitioner has filed the present petition under Section 439 Cr.P.C. seeking regular bail in FIR No.27 dated 27.05.2015 under Sections 21/61/85 NDPS Act, registered at Police Station Rangar Nangal, Police Distt. Batala, District Gurdaspur.

Heard learned counsel for the rival parties.

The petitioner was arrested on 04.09.2017 in the abovesaid FIR.

Learned counsel for the State, on instruction, fairly makes a statement that the petitioner does not have any other case under the NDPS Act and the challan in this case has already been filed.

Having looked into the fact the quantity of recovery of alleged intoxicant powder from the petitioner and also the fact that the petitioner does not have any other case under the NDPS Act and challan has already been filed in the case, I think a chance to the petitioner to reform should be given.

The fact that the petitioner is in jail for over three months and the period spent by him in jail is sufficient enough to warrant a regular bail. 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. Petitioner shall file an undertaking within 3 weeks with the trial Court that he will not indulge in any kind of offence in future. Petitioner shall not tamper with the prosecution evidence, threaten or exercise any influence on the prosecution witnesses. The petitioner to surrender his passport with the trial Court, if he possesses the same.

(A.B. CHAUDHARI)
JUDGE

11.12.2017
Anjal