

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

CRM-M No.46203 of 2018

Date of decision : 27.11.2018

Harpreet Singh

.....Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present : Mr. Bishan Dass Rana, Advocate for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

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DAYA CHAUDHARY, J. (Oral)

Petitioner Harpreet Singh has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to him in case FIR No.56 dated 24.05.2016 under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short the 'NDPS Act'), registered at Police Station Mahilpur, Distt. Hoshiarpur, during pendency of the trial.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case whereas his name was not mentioned in the FIR. The petitioner has been involved only on the basis of disclosure statement made by co-accused. The petitioner was earlier granted anticipatory bail vide order dated 17.02.2017 by Additional Sessions Judge, Hoshiarpur. The petitioner could not appear only on one date i.e. on

30.07.2018 due to noting down of the wrong date. The moment the petitioner came to know about issuance of non-bailable warrants he surrendered before the trial court and moved application which was dismissed. The petitioner is in custody since 07.09.2018.

Learned State counsel has not disputed the factum of release of the petitioner on anticipatory bail and the custody period as well. However, she has opposed grant of bail to the petitioner on the ground that the petitioner has misused the concession of bail.

Heard arguments of learned counsel for the parties and have also perused the documents available on the file.

By considering the submissions made by learned counsel for the petitioner and also the facts that the petitioner was earlier released on anticipatory bail, his name was not mentioned in the FIR and he has been implicated on the basis of disclosure statement; only on one date he could not appear and thereafter surrendered himself; the petitioner undertakes to appear on each and every date, the present petition is allowed and the petitioner is directed to be released on regular bail on furnishing bail/surety bonds to the satisfaction of the trial Court.

27.11.2018

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**(DAYA CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No