

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

Sr. No.216

CRM-M-50389-2018
Date of decision : 21.11.2018

Surinder Singh @ Shindu

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. B.S. Toor, Advocate, for the petitioner.

Mr. K.S. Sidhu, DAG, Punjab

SUDHIR MITTAL, J. (Oral)

The petitioner seeks regular bail in case FIR No.107 dated 8.8.2018, registered at Police Station Sudhar, District Ludhiana, under Sections 15 and 25 of NDPS Act, 1985.

Learned counsel for the petitioner submits that the challan has not yet been presented and therefore, the petitioner may be granted interim bail till the presentation of the challan.

Custody certificate dated 21.11.2018, by way of affidavit of Sh. I.S. Dhaliwal, PPS, Deputy Superintendent, Central Jail, Ludhiana, has been filed by the learned State counsel in Court today and the same is taken on record. A copy thereof has been supplied to counsel for the petitioner. According to this certificate, the petitioner has undergone actual custody of 03 months and 10 days and there are 02 other case under the NDPS Act,

1985 pending against him. In one case, he has been convicted and sentenced to the period already undergone and in other case, he is on bail.

In response to the custody certificate, counsel for the petitioner submits that in the pending case, 05 grams of intoxicant powder was allegedly recovered from the petitioner, which is small quantity. The case, in which the petitioner has been convicted was also regarding small quantity and thus, he was sentenced to undergo RI for a period of 27 days and to pay fine of Rs.1000/-. The petitioner is being falsely implicated.

Keeping in view the facts and circumstances of this case and also the fact that challan has still not been presented in Court, I deem it appropriate to release the petitioner on bail till the presentation of challan. Accordingly, the petitioner is ordered to be released on bail till the presentation of challan, to the satisfaction of the trial Court, concerned. Thereafter, on filing of challan in Court, the petitioner shall surrender before the trial Court, concerned and shall seek regular bail afresh.

Disposed of.

(SUDHIR MITTAL)
JUDGE

21.11.2018

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No