

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

CRM-M No.7656 of 2018
DATE OF DECISION:09.07.2018

Kaka Singh

...Petitioner

Vs.

State of Punjab

..Respondent

CORAM:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. HPS Ishar, Advocate
for the petitioner.

DAYA CHAUDHARY, J.(ORAL)

Through the present petition filed under Section 439 Cr. P.C., the petitioner seeks regular bail in case FIR No.34, dated 08.04.2017, registered under Sections 22/ 61/ 85 NDPS Act, 1985 at Police Station Bareta, District Mansa.

Learned counsel for the petitioner submits that the alleged recovery is of manufactured medicines and petitioner is in custody since 08.04.2017. Out of seven witnesses only two witnesses have been examined and all witnesses are official witnesses. There is no possibility of tampering with the evidence or influencing the witnesses. Co-accused of the petitioner namely Balvir Kaur approached this Court by way of filing CRM-M No. 47405 of 2017 titled as Balvir Kaur Vs. State of Punjab and she has been granted regular bail vide order dated 07.03.2018 by the Co-ordinate Bench.

Learned State counsel has opposed the submissions made by learned counsel for the petitioner on the ground that petitioner cannot

claim parity as co-accused was granted bail being woman and also the fact that no other case under NDPS Act is pending against her whereas two more cases under NDPS Act are pending against the petitioner i.e. of the year 2001 & 2005 and learned counsel for the petitioner submits that petitioner has already undergone sentence in both the cases.

Keeping in view the fact that recovery is non-commercial and co-accused has been released on bail and in two more cases petitioner has already undergone sentence; all witnesses are official witnesses and there is no possibility that petitioner may tamper with the evidence and may influence the witnesses, the petition is allowed. The petitioner is directed to be released on regular bail on furnishing bail/surety bonds to the satisfaction of the trial Court.

It is made clear that in case the petitioner is found to be involved in some other case of similar nature in future, State is at liberty to move an application for cancellation of bail granted to the petitioner.

09.07.2018
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No