

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Crl. Misc. No. M37742 of 2015
Date of Decision:-17.11.2015

Babli Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Gopal Singh Nahel, Advocate for the petitioner.

Mr. Gurinderjit Singh, DAG, Punjab.

HARI PAL VERMA J.(Oral)

Prayer made in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No. 94, dated 22.08.2014, for offence under Section 15 Narcotic Drugs and Psychotropic Substances Act, 1985 (for brevity "the NDPS Act"), registered at Police Station, Longowal, Distt. Sangrur.

Learned counsel for the petitioner contends that in the case in hand, the co-accused of the petitioner, namely, Gurdev Singh @ Guria and Bahadur Singh have already been admitted on regular bail by this Court.

Learned counsel for the State has filed the custody certificate of the petitioner-Babli Singh, which is taken on record. As per the custody certificate, there is no such case pending against the petitioner under the NDPS Act.

Learned counsel for the State, on instructions from Head Constable-Karam Singh, further submits that, as against the total 17 prosecution witnesses,

05 witnesses have already been examined and the case is now fixed for hearing on 18.11.2015 before the trial Court.

I have heard learned counsel for the parties.

Considering the fact that the petitioner-Babli Singh is in custody since 23.08.2014 and also the fact that as against the total 17 prosecution witnesses, only 05 witnesses have been examined so far, the trial will take sufficient long time to conclude. As the petitioner, namely, Babli Singh is not involved in any other case under the NDPS Act, he is unlikely to commit any such offence in future, I deem it appropriate to allow the present petition for grant of regular bail.

Accordingly, the present petition is accepted and the petitioner-Babli Singh, is ordered to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of the trial Court.

It is made clear that in case the petitioner is found involved in any such case under the NDPS Act in future, the prosecution shall be at liberty to seek cancellation of his bail.

It is also made clear that expression made here-in-above shall not be construed as an expression on the merit of the case and the trial Court shall be at liberty to decide the case on the basis of available evidence.

(HARI PAL VERMA)
JUDGE

November 17, 2015
Anjal