

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

Crl. Misc. No. M- 29191 of 2016(O&M)
Date of Decision:-22.09.2016

Sukhdev Singh @ Sukhi

...Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. P.S. Sekhon, 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 petitioners in case FIR No.77, dated 15.06.2013, for offence under Section 15 of the NDPS Act, 1985, registered at Police Station, Passiana District-Patiala, during the pendency of trial.

Learned counsel for the petitioner contends that the allegation against the petitioner and other three co-accused is of recovery of 55 kg. 200 gms. of poppy husk. However, trial in the case will take sufficient long time to conclude, as only 05 witnesses out of 11 prosecution witnesses have been examined so far. He further submits that the petitioner was not arrested from the spot and no recovery is effected from him and there is no other case against the petitioner under the NDPS Act. He also submits that the co-accused of the petitioner, namely, Surjit Singh, has already been admitted on

regular bail by this Court vide order dated 08.08.2016 in Crl. Misc No.M-24438 of 2016 titled as “Surjit Singh Vs. State of Punjab.” He further submits that the petitioner is in custody since 08.04.2014.

Learned counsel for the State has filed the custody certificate of the petitioner and does not dispute the aforesaid facts. Custody certificate is taken on record.

I have heard learned counsel for the parties.

Considering the fact that the alleged recovery made from the petitioner along with other three accused is marginally higher than the commercial quantity, coupled with the fact that the other co-accused has already been granted bail by this Court as well as the fact that trial in the case will take sufficient long time to conclude, as only 05 witnesses out of 11 prosecution witnesses have been examined so far. I deem it appropriate to allow the present petition for grant of regular bail.

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

It is also made clear that expression made here-in-above shall not be construed as an expression on the merits 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

22.09.2016
Anjal

Whether speaking/reasoned?

Yes/No

Whether reportable?

Yes/No