

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

CRM-M-44722-2016 (O&M)

Date of decision: 23.12.2016

Sukhjinder Singh @ Sukh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Rishu Mahajan, Advocate for the petitioner.

Mr. Mehardeep Singh, Addl.A.G., Punjab,
assisted by ASI Hardeep Singh.

Jitendra Chauhan, J.

By filing the present petition under Section 439 of the Code of Criminal Procedure, the petitioner has sought regular bail in case FIR No.55 dated 02.08.2013, registered under Sections 21 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at P.S. Sarai Amanat Khan, Distt. Tarn Taran.

It is contended that the petitioner was not arrested from the spot. No recovery has been effected from him. He is in custody since 15.04.2015. Earlier also, the petitioner was admitted to bail under Section 167(2) Cr.P.C. vide order dated 15.10.2015, however, he could not furnish bail bonds being in custody in another FIR bearing No.28 dated 07.04.2015, registered under Section 21 of the NDPS Act, at P.S. Sarai Amanat Khan, Distt. Tarn Taran.

On the other hand, learned State counsel, has opposed the instant petition. It is submitted that the challan already stands presented and the charges have been framed.

Heard.

Keeping in view the fact that the petitioner is in custody since 15.04.2015; he was not arrested from the spot; and without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, on his furnishing bail bonds and surety bonds, to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate.

Anything said herein above shall not be construed as an expression of opinion of the Court on the merits of the case.

23.12.2016

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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No