

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

**CRM-M No.9016 of 2016 (O&M)
Date of Decision: 17.05.2016**

Mahender Singh @ Nikka

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Gourav Jain, Advocate for the petitioner.

Mr. Gaurav Dhir, Deputy Advocate General, Haryana
for the respondent/State assisted by ASI Rameshwar Dass.

JASWANT SINGH, J. (Oral)

Present petition is for grant of regular bail under Section 439 Cr.P.C. on behalf of the petitioner/accused-Mahender Singh @ Nikka in case FIR No.40 dated 24.01.2015, under Section 15 of the Narcotic Drugs and Psychotropic Substances Act (Sections 27-A/51/85 of the NDPS Act added later on), registered with Police Station City Tohana, District Fatehabad.

There was a recovery of 1 Kg. of *Poppy Husk* from the co-accused/non-applicant-Gurpreet Singh and on his disclosure statement that the contraband was purchased from the petitioner/accused-Mahender Singh @ Nikka, the petitioner was nominated as an accused.

The petitioner, not being involved in any other case, was enlarged on bail on 10.02.2015. For his absence on 06.08.2015, his bail bonds were cancelled and non-bailable warrants of arrest were issued. The petitioner is alleged to have surrendered on 26.08.2015 and only 03 out of 09 prosecution witnesses have since been examined.

Learned State Counsel, assisted by ASI Rameshwar Dass, does not refute the aforesaid factual situation.

Without commenting on the merits of the case, keeping in view the custody period and the facts as noticed above, this Court finds that petitioner/accused deserves the concession of regular bail and as such he is ordered to be released on bail to the satisfaction of CJM/Duty Magistrate concerned.

Disposed of.

May 17, 2016

Gagan

(JASWANT SINGH)
JUDGE