

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

CRM-M No.44484 of 2017

Date of Decision : 02.12.2017

Gurdas Singh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mr. D.S. Virk, Advocate
for the petitioner.

Mr. Karan Sharma, Asstt. Advocate General, Haryana
for the respondent-State.

SUDIP AHLUWALIA, J. (ORAL)

The instant petition has been filed under Section 439 of the Code of Criminal Procedure seeking regular bail on behalf of the petitioner in connection with case FIR No.161 dated 10th October, 2015, registered under Section 15/61/85 Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Guhla, District Kaithal.

Custody certificate of the petitioner filed in the Court today; Be kept on record.

The petitioner who was originally shown as a co-accused in the case, was declared a Proclaimed Offender. He was subsequently arrested in connection with some other FIR and has remained in

custody in the present case for more than 04 months now since 21st July, 2017.

It transpires that while charges against the petitioner have been framed on 26th October, 2017, but not a single witness from the prosecution side has been examined so far. Admittedly, the petitioner was not arrested from the spot nor any recovery was made from him directly. The substantive material against him is the disclosure statement of the co-accused, who in this case happens to be his own brother and is stated to have been already convicted.

Be that as it may, considering the nature and quality of the material available against the petitioner and long detention already undergone by him when even the prosecution evidence has yet to commence, this Court is not inclined to detain him in custody for an indefinite period in this particular case since admittedly the second case in which he was arrested is long after the FIR in the present case was drawn up.

For the aforesaid reasons, the present petitioner, namely Gurdas Singh may be released in the present case to the satisfaction of the Ld. Trial Court concerned.

Disposed off.

December 02, 2017

Dpr

**(SUDIP AHLUWALIA)
JUDGE**

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

