

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

CRM-M-8863-2017
Date of Decision: 18.03.2017

Mahender Singh

--Petitioner

Versus

State of Haryana

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr.G.S.Sidhu, Advocate
for the petitioner.

Mr. Satish Saini, DAG, Haryana.

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TEJINDER SINGH DHINDSA.J.

Petitioner is stated to be a Govt. employee working with the Electricity Department, State of Rajasthan. He is also stated to be suffering from a permanent disability element assessed at 70%.

Petitioner has been implicated in FIR No.49 dated 7.3.2014 under sections 15, 16-C, 29, 61 and 85 of N.D.P.S Act and section 216 I.P.C, registered at Police Station Kalanwali, District Sirsa.

Counsel submits that no recovery was effected from the petitioner and after completion of investigation charges were framed against the present petitioner only under section 216 I.P.C. Petitioner is also stated to be regularly attending the Trial Court proceedings.

The instant petition has been filed by raising an apprehension that the matter is now fixed before the Trial Court on 20.3.2017 for consideration of an application moved by the prosecution for framing of charges under Section 27-A of N.D.P.S Act.

The limited prayer raised in the petition is that in the eventuality of charge under section 27-A of N.D.P.S Act being framed even against the present petitioner, he may be granted two weeks time to avail of his remedies in accordance with law.

Having heard counsel for the parties and having perused the pleadings on record, this Court is of the view that the limited prayer raised by counsel appearing for the petitioner merits acceptance.

Accordingly, the instant petition is disposed of with the observation that in the eventuality of a charge being framed against the petitioner under the provisions of NDPS Act, he would stand protected as regards arrest for a period of 10 days and during which it would be open for the petitioner to avail of his remedies as available in accordance with law.

Disposed of.

It is, however, clarified that while granting such limited protection to the petitioner, the matter has not been examined on merits by this Court.

A copy of the order be furnished to learned counsel for the petitioner under the signature of the Bench Secretary of this Court.

18.03.2017

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**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes |
| ii) | Whether reportable? | No |