

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

**CRM-M-12729-2018
Date of decision: 13.09.2018**

Sucha Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. D. S. Sandhu, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 64 dated 30.06.2015, registered under Sections 21/22/61/85 of the NDPS Act at Police Station Subhanpur, District Kapurthala.

Learned counsel for the petitioner submits that as per the allegations in the FIR, there were two occupants in a car who on seeing the police party ran away and on search of the said car, 260 Grams of the intoxicant substance, i.e. Heroin, was recovered from the dashboard of the car.

Learned counsel for the petitioner further submits that the petitioner was initially granted the benefit of anticipatory bail awaiting the report of the FSL, however, after the FSL report was submitted before the trial Court, the petitioner was arrested on 23.01.2018.

Learned counsel for the petitioner further submitted that out of total 11 prosecution witnesses, only 01 witness has been examined so far and the conclusion of the trial is likely to take a long time. It is also submitted that

recovery is marginally higher than the non-commercial quantity.

Learned State counsel, on the basis of the custody certificate, has not disputed the fact that the petitioner is in custody since 23.01.2018, however, on instructions from ASI Somnath, he submits that the petitioner is involved in one more FIR in which the report of the FSL is still awaited.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the facts that the petitioner is in judicial custody since 23.01.2018 and the trial is likely to take a long time as out of total 11 prosecution witnesses, only 01 witness has been examined so far; the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

September 13, 2018

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

*Whether speaking/reasoned
Whether reportable*

*Yes/No
Yes/No*