

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

CRM-M No. 14589 of 2018 (O&M)

Date of decision : 17.10.2018

Harjinder Singh

.....Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present : Mr. Puneet Kumar Bansal, Advocate for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

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DAYA CHAUDHARY, J. (Oral)

Petitioner Harjinder Singh has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to him in case FIR No.1 dated 03.01.2018 under Sections 66D and 66F of the Information Technology (Amendment) Act, 2008, Section 135 of the Customs Act, 1962, Sections 18, 21 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short – 'NDPS Act'), Section 25 of the Arms Act, 1959, Section 3 of the Official Secrets Act and Sections 489-A, 489-B and 489-C of the Indian Penal Code, 1860, registered at Police Station – State Special Operations Cell, Fazilka, Distt. Ferozepur, during pendency of the trial.

Learned counsel for the petitioner submits that initially the FIR was registered under different sections, as mentioned above, but ultimately the charge was framed under the NDPS Act only. The FIR was registered on the basis of secret information and the petitioner has falsely been implicated in the case, whereas there is no connecting evidence against him. There is no other case of NDPS Act pending against him. Co-accused namely Nishan Singh filed CRM-M No.42561 of 2018 and he has been released on regular bail vide order dated 03.10.2018 by this Court. Petitioner is in custody since 05.02.2018. Charges have been framed and out of total 16 prosecution witnesses, only 1 witness has been examined and trial will take long time to conclude.

Learned State counsel has not disputed the custody period undergone by the petitioner and also the fact that co-accused Nishan Singh has been released on regular bail.

Heard arguments of learned counsel for the petitioner as well as learned State counsel and have also perused the contents of the FIR and other documents on the file.

By considering the submissions made by learned counsel for the petitioner that the petitioner is in custody since 05.02.2018; that co-accused Nishan Singh has been released on regular bail; that there is no other case of NDPS Act against him and out of total 16 prosecution witnesses, only 1 witness has been examined and trial will take long time, no purpose would be served by keeping him in custody.

Accordingly, the present petition is allowed and the petitioner

is directed to be released on regular bail on furnishing adequate bail/surety bonds to the satisfaction of the trial Court.

17.10.2018

sunil yadav

**(DAYA CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No