

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

CRM-M No. 18560 of 2018

Date of decision : 16.11.2018

Didar Singh alias Dara Singh

.....Petitioner

Versus

State of Haryana

...Respondent

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present : Mr. P. S. Sekhon, Advocate for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

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DAYA CHAUDHARY, J.

Petitioner Didar Singh alias Dara 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.203 dated 23.06.2017 under Sections 15/25/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short the 'NDPS Act'), registered at Police Station – Nissing, Distt. Karnal, during pendency of the trial.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case, whereas he was not involved. As per the case of the prosecution, the raid was conducted on the basis of secret information and alleged recovery of 143 kilograms poppy husk was effected from a canter. Neither the secret information was recorded in writing nor

the same was sent to the higher authorities. There is no compliance of mandatory provisions as envisaged under Sections 42 and 50 of the NDPS Act. Learned counsel also submits that all the prosecution witnesses are official witnesses and there is no possibility that the petitioner may influence them or tamper with the evidence. Petitioner has undergone custody of more than 01 year and 04 months. Out of total 16 prosecution witnesses, 04 witnesses have been examined and still trial may take some time to conclude. There is no other case of NDPS Act against him. No purpose would be served by keeping him in custody.

Learned State counsel has not disputed the custody period undergone by the petitioner and stage of the trial but she has opposed the submissions made by learned counsel for the petitioner and also grant of bail to the petitioner on the ground of recovery of huge quantity.

Heard arguments of learned counsel for the parties and have also perused the contents of the FIR and other documents available on the file.

By considering the submissions made by learned counsel for the petitioner and keeping in view the custody of more than 01 year and 04 months undergone by the petitioner and also the fact that there is no other case of NDPS Act against him; all the prosecution witnesses are official witnesses and there is no possibility that the petitioner may influence them or tamper with the evidence; trial may take some time to conclude as out of total 16 prosecution witnesses, 04 witnesses have been examined, this petition is allowed and the petitioner is directed to be released on regular

bail on furnishing bail/surety bonds to the satisfaction of the trial Court.

16.11.2018

sunil yadav

**(DAYA CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No