

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

**CRM-M No.1913 of 2018 (O&M)
Date of Decision: 18.05.2018**

Kamaldeep Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Kuldeep Singh, Advocate for the petitioner.

Mr. Tanvir Joshi, Assistant Advocate General, Punjab
for the respondent/State.

MAHABIR SINGH SINDHU, J. (Oral)

The present 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.190 dated 01.07.2017, under Sections 15/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act'), registered at Police Station Samrala, District Ludhiana

It is contended by learned Counsel for the petitioner that the petitioner is in custody since 01.07.2017 and co-accused, namely, Balbir Ram and Gagandeep have already been released on bail by this Court, vide order dated 04.05.2018. It is further contended that charges were framed on 21.01.2018 and out of total ten prosecution witnesses, none has been examined till date. It is further contended that there is no other case pending under the provisions of NDPS Act against the petitioner.

The above factual position is not disputed by learned State Counsel, on instructions from ASI Gulzari Lal.

Heard learned Counsel for the parties and perused the paper-book.

As per allegations in the FIR, co-accused Balbir Ram was sitting on the conductor's seat, whereas co-accused Gagandeep was sitting on rear seat and petitioner-Kamaldeep Singh was the driver of the truck and 52 K.G. *poppy husk* was recovered from two bags kept in the cabin of the said truck.

Undisputedly, there is no other criminal case pending against the petitioner.

Keeping in view the facts that co-accused have already been released on bail, the petitioner is in custody since 01.07.2017, charges were framed on 21.01.2018 and out of total ten prosecution witnesses, none has been examined till date and the trial is likely to take a long time to be concluded, no useful purpose would be served by keeping the petitioner behind the bars any more. Therefore, in view of the abovesaid circumstances, without expressing any opinion on the merits of the case, the present petition is accepted. Petitioner-Kamaldeep Singh be admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of the learned trial Court.

May 18, 2018
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	Yes