

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

**CRM-M-19211-2018
Date of decision: 28.09.2018**

Sukhchain Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. L. S. Sekhon, Advocate
for the petitioner.

Mr. M. S. Nagra, AAG, 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. 80 dated 06.07.2017, registered under Sections 22/61/85 of the NDPS Act at Police Station Shambhu, District Patiala.

Learned counsel for the petitioner submits that the petitioner is a first offender and he is not involved in any other case. It is further submitted that petitioner is in judicial custody since 08.07.2017 and till date, out of total eight prosecution witnesses, only three have been examined and it will take a long time in conclusion of the trial.

Learned counsel for the petitioner further submits that it is to be decided during the course of trial whether the ratio laid down by the Hon'ble Supreme Court in *Mohan Lal vs. State of Punjab*, Criminal Appeal No. 1880 of 2011, decided on 16.08.2018, will apply to the present case or not.

Learned State counsel, on instructions from ASI Mohar Singh, has not disputed the factual position as well as the submissions made by learned counsel for the petitioner.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the facts that the petitioner is a first offender; he is not involved in any other case; he is in judicial custody since 08.07.2017 and also in view of the fact that trial is likely to take some time to conclude; 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 28, 2018
Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No