

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

**CRM-M No. 22600 of 2018
Date of decision : 04.12.2018**

Babbu Singh

.....Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present : Mr. G. S. Sandhu, Advocate for the petitioner.

Ms. Samina Dhir, DAG, Punjab.

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DAYA CHAUDHARY, J. (Oral)

Petitioner Babbu Singh has approached this Court by way of filing the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to him in case FIR No.115 dated 22.05.2017 under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station – Lambi, Distt. Sri Muktsar Sahib, during pendency of the trial.

Learned counsel for the petitioner submits that as per the allegations in the FIR, the petitioner along with co-accused was arrested on the spot. On checking, a poly bag was found lying between the petitioner and co-accused while coming on motorcycle, in which total 12 strips each containing 10 tablets mark AL+Z-0.5 total 1200 intoxicating tablets were recovered. Learned counsel also submits that the co-accused is neither related to the petitioner nor has any concern with him. Petitioner had just given him lift on the way. Earlier the petitioner was released on interim bail

by the trial Court vide order dated 22.06.2017 as Chemical Examiner report was not received. Now he is in custody since 25.08.2017. Investigation has been completed and even a single witness has not been examined. There is no other case of NDPS Act against him. No purpose would be served by keeping the petitioner in custody.

Learned State counsel has not disputed the period of custody undergone by the petitioner and the stage of the trial, but submits that one more case under Sections 338/336 IPC is there against the petitioner and in that case untraced report has been filed.

Heard arguments of learned counsel for the parties. I 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 that the petitioner is in custody since 25.08.2017 and also the facts that even a single witness has not been examined and the delay is not on the part of the petitioner; no other case of NDPS Act is there against him, 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.

04.12.2018

sunil yadav

**(DAYA CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No