

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-24523-2017

Date of decision: 17.02.2018

Kabal Singh

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

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

Mr. Himmat Singh, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail to the petitioner in FIR No.31 dated 15.04.2017 under Sections 21 & 29 of NDPS Act, registered at Police Station Jhansa, District Kurukshetra.

Learned counsel for the petitioner submits that the petitioner is in judicial lockup since 15.04.2017 and out of two other cases/FIRs under the NDPS Act, in one case, he has been granted the concession of suspension of sentence vide order dated 30.10.2014 passed in CRM-31366-2014 in CRA-S-4048-SB-2014 and vide order dated 02.03.2017, the petitioner has been granted bail by the trial Court. It is further submitted that the two other cases are not under the NDPS Act, in which he has already been acquitted. Counsel for the petitioner further submits that recovery from the petitioner was of 06 grams of heroine, which is of non-commercial quantity. It is also submitted that the

investigation in the case is complete and challan has been presented, however, the charges are yet to be framed and it will take long time in conclusion of the trial.

Learned State counsel, on instructions from ASI Jaswinder Singh, has not disputed the factual position.

Without commenting anything on merits of the case, considering the fact that as per the custody certificate, the petitioner stands acquitted in two cases, which were not under the NDPS Act; his sentence has been suspended in one case and he is on bail in another case pending trial; investigation is complete and charges are yet to be framed and the petitioner is in judicial lockup since 15.04.2017, this petition is allowed and the petitioner is directed to be released on bail subject to furnishing his bail/surety bond to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

17.02.2018
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No