

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

**CRM-M No.24860 of 2017
Decided on: 27.04.2018**

Kuldeep Singh @ Happy

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Lal Singh Sandhu, Advocate
for the petitioner.

Ms. Samina Dhir, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this second petition is for grant of regular bail to the petitioner in FIR No.61 dated 11.09.2016, for offence punishable under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the NDPS Act') registered at Police Station Kotbhai, District Sri Muktsar Sahib.

Counsel for the petitioner has submitted that the petitioner is in judicial lock up since 12.09.2016 and despite a lapse of more than 01 year and 07 months of custody, the prosecution has not been able to conclude the evidence. It is further submitted that the petitioner is not involved in any other case.

Counsel for the State, on instructions from ASI Gurlal Singh, has submitted that the recovery is of commercial quantity, however, has not disputed the fact that the petitioner is in judicial custody for the last about 01 year and 07 months and is not involved in any other case, as per the Custody Certificate filed in the Court today. It

is further submitted that out of 11 prosecution witnesses, only 05 PWs have been examined so far.

Without commenting anything on merits of the case and considering the fact that the petitioner is in judicial lock up for the last 01 year and 07 months; he is not involved in any other case and conclusion of the trial is likely to take some time, this petition is allowed and the petitioner is ordered to be released on bail subject to furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail, if the petitioner is found misusing the concession of bail, in any manner.

27.04.2018
yakub

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No