

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

CRM-M-27252-2017 (O&M)

Date of decision: 28.11.2018

Bakhshish Singh @ Babbi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Pratham Sethi, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, 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. 113 dated 01.06.2016, registered under Section 18 of the Narcotic Drugs & Psychotropic Substances Act at Police Station Fatehgarh Sahib, District Fatehgarh Sahib.

Learned counsel for the petitioner submits that the petitioner is in judicial custody since 01.06.2016 and a period of about two and a half years has passed and the case is still at the stage of recording prosecution evidence as the statements of PW-12, PW-13 and PW-16 were recorded by the trial Court only on the last date of hearing and even some more witnesses are left to be examined and thereafter, the petitioner will lead his defence evidence.

Learned counsel for the petitioner further submits that petitioner was granted interim bail for a period of five days, vide order dated 02.08.2018, for attending the marriage of his daughter and he has

surrendered back without misusing the concession of interim bail.

Learned State counsel, on instructions from ASI Suraj Khan, has not disputed aforesaid facts.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that this petition is pending since 04.08.2017 and has been adjourned for more than ten times to await the outcome of the trial and the trial is still at the stage of recording prosecution evidence and also in view of the fact that petitioner is in judicial custody for more than two years and five months, 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.

November 28, 2018

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No