

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

**CRM-M-32776-2018
Date of decision: 24.09.2018**

Sukhwinder Singh @ Sukha

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. B. S. Singhvi, Advocate
for the petitioner.

Mr. M. S. Nagra, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner in case FIR No. 107 dated 17.12.2016, registered under Section 15, 61 of the NDPS Act at Police Station Sadar, Moga.

Learned counsel for the petitioner submits that while granting regular bail to co-accused of the petitioner, namely Paramjit Singh @ Pamma, on 24.08.2018 in **CRM-M-12001-2018**, this Court has passed the following order :-

“Learned counsel for the petitioner submits that the petitioner is in judicial custody since 19.12.2016 and the case is still at the stage of recording the prosecution evidence. It is further submitted that there are moot points involved in the case with regard to sending the sample to the FSL and nonjoining of second Investigating Officer, to be decided during the course of trial. Counsel for the petitioner further submits that the petitioner is not involved in any other case under the NDPS Act. Learned State counsel, on instructions from

ASI Manjit Singh, has submitted that four prosecution witnesses have been examined, out of 13 PWs and one PW has been given up by the prosecution.”

Learned counsel for the petitioner has further submitted that as per custody certificate dated 07.08.2018, the petitioner has undergone incarceration for a period of 01 year, 07 months and 19 days and he is not involved in any other case.

Learned State counsel, on instructions from HC Gurjant Singh, has not disputed the factual position.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the facts that the petitioner is in custody since a long time; co-accused has already been granted concession of regular bail and also in view of the fact that trial is likely to take some time as the case is still at the stage of recording evidence of prosecution witnesses, 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 24, 2018

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No