

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

CRM-M No.36515 of 2018 (O&M)

Decided on: 29.10.2018

Raj Kumar

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Jagjeet Beniwal, 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 under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.452 dated 20.07.2018, for offence punishable under Sections 20 and 27-A of the Narcotic Drug and Psychotropic Substances Act, 1985 (in short 'the NDPS Act'), registered at Police Station Sadar Dadri, District Charkhi Dadri.

Counsel for the petitioner has submitted that the petitioner is in judicial custody since 21.07.2018 and he was not named by the secret informer as well as in the FIR. It is further submitted that the co-accused of the petitioner qua whom the secret information was received, had named the petitioner and on his disclosure statement, the petitioner was arrested.

Counsel for the petitioner has further argued that the petitioner is not involved in any other case and conclusion of the trial

will take some time.

Counsel for the State has filed the Custody Certificate today in the Court and on instructions from SI Naresh Kumar has argued that challan has been presented and charges have been framed, however, no witness of the prosecution has been examined, so far.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody for the last about 3½ months; he is not involved in any other case; no witness of the prosecution has been examined yet and conclusion of the trial is likely to take some time, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds, to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

29.10.2018

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