

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

CRM-M No.37384 of 2018 (O&M)

Decided on: 29.10.2018

Mandeep Kumar @ Deep

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Gaurav Singla, Advocate
for Mr. Sanjiv Gupta, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

CRM No.30102 of 2018

Heard.

Allowed as prayed for.

CRM-M No.37384 of 2018

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.127 dated 28.06.2017, for offence punishable under Section 22 of the Narcotic Drug and Psychotropic Substances Act, 1985 (in short 'the NDPS Act'), registered at Police Station Maqsudan, Jalandhar, District Jalandhar.

Counsel for the petitioner has submitted that on 16.08.2018, while granting regular bail to the co-accused of the petitioner namely Paramjit Singh @ Sandhi, in CRM-M No.1004 of 2018, the following order was passed by this Court:-

“....Counsel for the petitioner has submitted that the petitioner is not involved in any other case and he is in custody since 29.06.2017 and the case is still at the stage of recording the statement of prosecution witnesses.

Counsel for the State, on the basis of the earlier Custody Certificate dated 31.01.2018 has not disputed the fact that the petitioner is in custody for the last about 01 year, 01 month and 16 days.

Counsel for the State, on instructions from ASI Kulbir Singh, has further submitted that 07 prosecution witnesses have already been examined and still 04 PWs are yet to be examined. It is also submitted that one of the co-accused namely Mandeep @ Deep has been granted the concession of regular bail by the trial Court whereas one another accused namely Happy is absconding from the process of law.

Without commenting anything on merits of the case and considering the fact that the petitioner is not involved in any other case; the petitioner is in custody for the last more than 01 year and 01 month and the case is still at the stage of prosecution evidence, this petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/ surety bonds to the satisfaction of the trial Court/Illqa Magistrate/Duty Magistrate....”

Counsel for the petitioner has further submitted that the petitioner is in custody since 29.06.2018 and conclusion of the trial will take some time.

Counsel for the State on the basis of the Custody Certificate dated 03.09.2018 has submitted that the petitioner is not involved in any other case.

Counsel for the State, on instructions from ASI Gurmej Singh, has also submitted that out of 11 prosecution witnesses, 07 PWs

have already been examined.

Without commenting anything on merits of the case, considering the fact that the petitioner is not involved in any other case; 07 PWs have already been examined out of 11 prosecution witnesses 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/Illaq 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
yakub

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