

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

206

CRM-M-40927-2017

Date of Decision: March 20, 2018

Bikkar Singh @ Fauji

.....Petitioner.

versus

State of Punjab

.....Respondent.

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Mr. P.S. Sekhon, Advocate
for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

Sudhir Mittal, J. (Oral)

The petitioner Bikkar Singh @ Fauji son of Sh. Sukhdev Singh, seeks grant of regular bail in case FIR No.53, dated 21.04.2016, registered at Police Station Sadar, Sangrur, under section 22 of the NDPS Act,1985. As per the case of the prosecution, 12 bottles of Rexcof, were recovered from the car in which the petitioner was travelling.

2. Learned counsel for the petitioner has submitted that the petitioner has been in custody dated 17.02.2017 and that he withdrew his first application for regular bail because the trial was near completion. Now, an additional accused has been summoned under section 319 Cr.P.C. and therefore, *de-novo* trial has started. It is therefore, prayed that the petitioner be granted regular bail.

3. The prayer is opposed by learned State counsel on the ground that there

is another FIR under NDPS Act, 1985, registered against the petitioner. The same was registered on account of recovery of 50 grams of smack. It is however, not denied that *de novo* trial has commenced and that only four out of fourteen prosecution witnesses have been examined till date.

4. Regarding the recovery of smack, learned counsel for the petitioner has submitted that the said contraband was planted on him when he was granted interim bail by the learned trial Court. In this regard, specific averment has been made in this petition and it is also submitted that recovery is of non-commercial quantity.

5. Keeping in view the fact that the petitioner has been in custody for more than one year now and that the trial is not likely to be completed at an early date, no useful purpose would be served by keeping the petitioner in custody especially because the case property has already been examined by the experts and the petitioner is not in a position to tamper with the evidence.

6. Thus, the petition is allowed. Petitioner-Bikkar Singh @ Fauji son of Sh. Sukhdev Singh, is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of learned trial Court concerned at Sangrur.

March 20, 2018
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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned :	Yes
Whether Reportable :	No