

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

**Criminal Misc. No. M-42825 of 2018
Date of decision: 16.11.2018**

Tejinder Singh

..Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. Navjot Singh, Advocate
for the petitioner.

Ms. Samina Dhir, DAG, Punjab
for the respondent-State.

Daya Chaudhary, J. (Oral)

The present petition has been filed by petitioner-Tejinder Singh under Section 439 Cr.P.C. for grant of regular bail to him in case FIR No.156 dated 25.11.2016 registered under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Garhshankar, District Hoshiarpur.

Learned counsel for the petitioner submits that the petitioner has been implicated in the case being owner of the truck and was arrested on the spot. Co-accused of the petitioner, namely, Bhagu Ram, who was one of the accused was shown to have run away from the place of occurrence and was released on regular bail by this Court vide order dated 16.05.2017 passed in Criminal Misc. No. M-15546 of 2017 by considering his age and role attributed to him. Learned counsel further submits that owner of the truck has not been arrayed as an accused. Section 25 of the NDPS has not

.....

been added. The petitioner is in custody since 25.11.2016. Learned counsel also submits that out of total 13 prosecution witnesses, four witnesses have been examined. The trial may take time to conclude. All the witnesses are official witnesses and there is no possibility that the petitioner may influence the witnesses or tamper with the evidence.

Learned State counsel has not disputed the custody period; stage of trial as well as release of co-accused on regular bail by this Court but has opposed grant of regular bail to the petitioner.

Heard arguments of learned counsel for the petitioner as well as learned State counsel and have also perused the documents available on the file.

Without commenting anything on the merits of the case and keeping in view the submissions made by learned counsel for the petitioner that the petitioner is in custody since 25.11.2016; his co-accused, namely, Bhagu Ram has been released on regular bail by this Court; all witnesses are official witnesses and there is no possibility that the petitioner may influence the witnesses; the trial may take time to conclude and no purpose would be served by keeping the petitioner in custody, the present petition is allowed and the petitioner (Tejinder Singh) is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court.

16.11.2018
neetu

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

No