

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

CRM-M-45197-2017 (O&M)  
Date of decision : 15.01.2018

Sewa Singh

...Petitioner

Versus

State of Haryana

...Respondent

**CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN**

Present: Mr. G.S. Sidhu, Advocate for the petitioner.

Mr. Ramakant Sharma, AAG, Haryana,  
assisted by ASI Subhash Singh.

**JITENDRA CHAUHAN, J. (Oral)**

The instant petition has been preferred under Section 439 Cr.P.C. seeking bail in FIR No.424 dated 24.11.2014, registered under Section 15, 16 and 27-A of the NDPS Act, at P.S. Rania, Distt. Sirsa.

Contentends that initially, two persons were named in the FIR. No evidence could be collected against the similarly placed co-accused, namely Nikka Singh, and he has been exonerated. The petitioner was not arrested from the spot. He is not involved in any other FIR. The petitioner is in custody since 07.06.2016.

On the other hand, learned State counsel, on instructions, submits that the quantity of contraband recovered in the instant case is 'commercial' in nature. The trial is in progress and out of 29 prosecution witnesses, 8 have already been examined.

Heard.

This is the second petition preferred by the petitioner under Section 439 Cr.P.C. The petitioner was not arrested from the spot. The co-accused, namely, Nikka Singh, on whose disclosure statement, the petitioner

was implicated, has already been exonerated during investigation. The petitioner is not involved in any other FIR. Out of 29 prosecution witnesses, 21 are still to be examined, thus, it can safely be inferred that the trial is not likely to be concluded in the near future. The petitioner is in custody since 07.06.2016. Hence, this Court feels that no useful purpose would be achieved in keeping the petitioner under further incarceration.

In view of the above, without advertng to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, on furnishing bail bonds and surety bonds, to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned. The petitioner shall also surrender his passport, if any, held by him, with the trial Court.

However, anything noticed hereinabove shall not be construed as an expression of opinion on the merits of the case.

**15.01.2018**  
*atulsethi*

**(JITENDRA CHAUHAN)**  
**JUDGE**

|                               |     |    |
|-------------------------------|-----|----|
| Whether speaking / reasoned : | Yes | No |
| Whether Reportable :          | Yes | No |