

221 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Hemlata
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CRM-M-47874-2017 (O&M)
Date of decision: 18.04.2018

Mahender Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. R.S.Mamli, 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 case FIR No. 415 dated 19.07.2016 under Sections 21-B, 27-A of NDPS Act, registered at Police Station Ratia, District Fatehbad.

Learned counsel for the petitioner submits that the petitioner was granted interim bail for awaiting the report of FSL and thereafter, the petitioner has surrendered before the trial Court and has not misused the concession of interim bail.

Learned counsel for the petitioner further submits that the co-accused of the petitioner, namely Rai Singh, has already been granted concession of regular bail vide order dated 14.09.2016 passed in CRM-M-31572-2016. It is further submitted that the petitioner has already undergone 10 months and 15 days of actual sentence and till date, no prosecution witness has been examined. It is also submitted that it will take long time to conclude the trial.

Learned State counsel, on instructions from HC Dalbir Singh,
has not disputed the factual position.

Without commenting on the merits of the case, considering the
fact that the co-accused of the petitioner, namely, Rai Singh, has been
granted concession of regular bail; the petitioner has not misused the
concession of interim bail and also in view of the fact that the petitioner is
in judicial lock up for the last 10 months and no prosecution witness has
been examined so far, the petition is allowed and the petitioner is ordered to
be released on regular bail subject to his furnishing bail/surety bonds to the
satisfaction of the trial Court/Illaqa Magistrate.

(ARVIND SINGH SANGWAN)
JUDGE

18.04.2018
Hemlata

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