

CRM-M-5763-2018

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

CRM-M-5763-2018

Date of Decision: 21st February, 2018

Sahab Singh

...Petitioner

Versus

State of Punjab

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASI

Present: Mr. D.N. Ganeriwala, Advocate for the petitioner.

Mr. Kuldeep Singh, Sr. DAG, Punjab.

AUGUSTINE GEORGE MASI, J. (ORAL)

Petitioner has approached this Court for grant of regular bail by filing this petition under Section 439 of the Code of Criminal Procedure, 1973, in FIR No.106, dated 15.10.2017, registered at Police Station Bahawala, District Fazilka, under Sections 18 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

It is the contention of the learned counsel for the petitioner that the recovery in this case has been effected from two persons i.e. the petitioner and Balkaran Singh, which was effected from the handle of the motorcycle bearing No. HR-24-W/4522, which was driven by Balkaran Singh. He submits that the said Balkaran Singh has been granted the concession of regular bail by this Court in CRM-M-5304-2018, titled as 'Balkaran Singh Vs. State of Punjab'. Counsel contends that the petitioner is similarly placed and therefore, be granted the said benefit.

Counsel for the State, on the other hand, contends that after presentation of challan before the Court, charge has been framed and the next date of hearing before the trial Court is 26.02.2018 for recording the statements of prosecution witnesses. He further states that none of total seven prosecution witnesses has been examined till date.

Keeping in view the fact that co-accused Balkaran Singh, who was driving the motorcycle from the handle of which the recovery has been effected, has been granted the concession of regular bail by this Court as also the fact that trial is not likely to conclude soon as none of the prosecution witnesses has yet been examined, the present petition is allowed without expressing any opinion on the merits of the case. The petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court.

(AUGUSTINE GEORGE MASIH)
JUDGE

21st February, 2018

Harish

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