

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

**Criminal Misc. No. M-196 of 2019
Date of decision: 08.02.2019**

Dilbagh Singh

..Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. Surjit Singh Swaich, Advocate
for the petitioner.

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

Daya Chaudhary, J. (Oral)

The present petition has been filed by the petitioner under Section 439 Cr.P.C. for grant of regular bail to him in case FIR No.186 dated 16.10.2018 registered under Sections 344, 384, 420, 323, 148, 149 IPC and Sections 25-A, 32 of the Narcotic Drugs and Psychotropic Substances Act, 1985, Section 15(2) of the Indian Medical council Act, 1956 (Section 32 of the NDPS Act and Section 15(2) of the Indian Medical Council Act, 1956 were added later on whereas Section 25-A of the NDPS Act was deleted) at Police Station Chamkaur Sahib, District Rupnagar during pendency of the trial.

Learned counsel for the petitioner submits that earlier Section 25-A of the NDPS Act was also there in the FIR but the same has been deleted. Learned counsel further submits that all the offences are bailable except offence under Section 384 IPC and are triable by the Magistrate. Learned counsel also submits that the petitioner was not named in the FIR

and his co-accused, namely, Khushwinder Singh @ Kaka has been released on regular bail by this Court vide order dated 19.12.2018 passed in CRM-M No.51608 of 2018. The petitioner is in custody since 20.10.2018. Trial may take time to conclude and no purpose would be served by keeping the petitioner in custody.

Learned State counsel has not disputed the custody period as well as the release of co-accused on regular bail by this Court.

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

By considering the submissions made by learned counsel for the petitioner that the petitioner is in custody since 20.10.2018; his co-accused, namely, Khushwinder Singh @ Kaka has been released on regular bail by this Court; offences are triable by the Magistrate; 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 (Dilbagh Singh) is directed to be released on regular bail on furnishing bail/surety bonds to the satisfaction of the trial Court.

08.02.2019
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

No