

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

**Criminal Misc. No. M-8517 of 2019
Date of decision: 19.03.2019**

Manpreet Singh

..Petitioner

Versus

State of Haryana

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. Rakesh Gupta, Advocate
for the petitioner.

Mr. Arun Beniwal, DAG, Haryana
for the respondent -State.

Daya Chaudhary, J. (Oral)

This is the fourth petition filed by the petitioner under Section 439 Cr.P.C. for grant of regular bail to him in case FIR No.432 dated 29.05.2016 registered under Sections 15,18,27,27-A of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Sadar Karnal during pendency of the trial. Earlier petition was dismissed as withdrawn on 27.08.2018 and nothing was said on merits.

Learned counsel for the petitioner submits that the petitioner is in custody since 29.05.2016 and no other case under the NDPS Act is pending against him. Learned counsel further submits that no independent witness was joined at the time of alleged recovery and there is non-compliance of mandatory provisions of NDPS Act. Investigating Officer and complainant are the same person. All the witnesses are officials and there is no possibility that the petitioner may influence the witnesses or tamper with the evidence.

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Learned State counsel has not disputed the custody period but has opposed grant of regular bail to the petitioner on the ground that out of total 18 prosecution witnesses, 10 have been examined and the trial is likely to be concluded soon.

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.

Without commenting anything on the merits of the case and by considering the custody since 29.05.2016; the fact that no other case under the NDPS Act is pending against the petitioner; all the witnesses are officials and there is no possibility that the petitioner may influence the witnesses or tamper with the evidence; trial may take time to conclude; no purpose would be served by keeping the petitioner in custody, the present petition is allowed and the petitioner (Manpreet Singh) is directed to be released on regular bail on furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

However, it is made clear that in case, the petitioner is found to be involved in any other case of NDPS, the State is at liberty to move an application for cancellation of bail.

19.03.2019
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

Yes