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

CRM-M-16123 of 2019

Date of decision: May 23, 2019

Balkar Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

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

Mr. Sandeep Kumar, DAG Punjab.

MAHABIR SINGH SINDHU, J (Oral)

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') for grant of bail to the petitioner, in FIR No.153 dated 08.10.2018, under Sections 304, 34 of the Indian Penal Code, 1860 (for short 'IPC') (Section 201 of IPC and Section 21 of Narcotic Drugs and Psychotropic Substances Act, 1985 added later on), registered at Police Station Sadar Bathinda, District Bathinda.

It is contended by learned counsel that petitioner is in custody since 10.10.2018 and after investigation in the matter, challan was presented; and thereafter, charges have also been framed on 05.01.2019.

Learned State counsel, on instructions from Assistant Sub Inspector Sukhwinder Singh has acknowledged the above factual position and apprised this Court that there are total 22 prosecution witnesses, but none has been examined and there is no other criminal case against the petitioner. Further contended that there is no recovery of alleged contraband from the petitioner, rather 2 grams of intoxicant was recovered from co-accused-Gurpreet Singh.

Since investigation is already over, the petitioner is in custody since 10.10.2018, and there are total 22 prosecution witnesses, but none has been examined; and concededly, there is no other criminal case against the petitioner, his further incarceration will not serve any useful purpose.

As a result thereof, this petition is allowed. The petitioner is ordered to be released on bail, in this case, on his furnishing adequate bail bonds and surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.

The above observations may not be construed as an expression of opinion on the merits of the case.

However, it is clarified that petitioner shall fully co-operate with learned trial Court without seeking any unnecessary adjournments.

(MAHABIR SINGH SINDHU)
JUDGE

May 23, 2019
mahavir

Whether speaking/ reasoned: **Yes**

Whether Reportable: **No**