

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

**CRM-M No.34823 of 2018 (O&M)**  
**Date of decision : 15.02.2019**

Mangat Rai

..... Petitioner

versus

State of Punjab

..... Respondent

**CORAM : HON'BLE MR.JUSTICE AJAY TEWARI**

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Present :     Mr. P.S.Sekhon, Advocate  
                     for the petitioner.

Ms.Amarjit Kaur Khurana, DAG, Punjab.

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**AJAY TEWARI, J. (Oral)**

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.07 dated 17.01.2018 registered under Sections 22/61/85 of NDPS Act at Police Station Thermal, Bathinda, District Bathinda.

Learned counsel has argued that the petitioner is in custody for more than 1 year. Custody certificate dated 08.02.2019 filed by way of affidavit of Manjit Singh, PPS, Deputy Superintendent, Central Jail, Bathinda on behalf of State is taken on record. Copy supplied to the counsel opposite. As per custody certificate the petitioner has been in custody for 01 year and 19 days upto 08.02.2019 and no other case is pending against him.

The precise contention of learned counsel for the petitioner is that this is completely a false case where he has to lead defense evidence. The prosecution evidence is over and there are 6 witnesses which the petitioner has to examine and he should be allowed bail so that he can effectively lead his defense evidence.

Learned Deputy Advocate General on instructions from HS Malkeet Singh has pointed out to the provision of Section 37 Cr.P.C. to argue that merely because the petitioner has to lead his evidence there is no ground to release him on bail.

In my considered opinion, it would be appropriate if the petitioner be released on interim bail for a period of 2 months on 27.02.2019. He will surrender back on 26.04.2019 and during this period the trial Court is directed to grant him two effective opportunities to lead his evidence. It is needless to say that in case the evidence is not completed that would have to be completed while the petitioner is in custody.

Petition stands disposed of.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

**15.02.2019**

*pooja sharma-I*

**( AJAY TEWARI )  
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No