

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

Sr. No.224

CRM-M-17261 of 2019

DECIDED ON: November 18, 2019

RICHARD JOSEPH

..PETITIONER

VERSUS

STATE OF U.T., CHANDIGARH

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Ravi Gakhar, Advocate, for the petitioner.

Mr. Manish Jain, Advocate, for the U.T., Chandigarh.

SUDHIR MITTAL, J. (ORAL)

The petitioner seeks grant of regular bail in case FIR No. 317 dated 07.08.2018 registered under Section 22 of the NDPS Act, 1985 at Police Station Sector 39, Chandigarh.

Learned counsel for the petitioner contends that the petitioner has been in custody for more than 01 year and 03 months and the trial is not likely to be concluded at an early date as only 02 PWs out of 14 PWs have been examined. There is no other criminal case pending against the petitioner and thus, he may be released on regular bail.

Custody certificate dated 17.11.2019 prepared by Sh. Amandeep Singh, C.P.S., Deputy Superintendent, Model Jail, Chandigarh has been filed in Court. The same is taken on record. According to this certificate, the petitioner has undergone actual custody of

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01 year, 03 months and 10 days and there is no other criminal case pending/decided against him.

Learned State counsel however, opposes the prayer for bail on the ground that commercial quantity was recovered from the petitioner.

Keeping in view the fact that the petitioner has been in custody for more than 01 years and 03 months and there is no other criminal case pending/decided against him, it can safely be said that his likelihood of indulging in crime of trafficking of contraband is remote, even if, he is released on bail. The trial is not likely to be concluded at an early date as 12 more PWs remain to be examined. The petitioner cannot be kept in custody indefinitely.

Accordingly, the petition is allowed and the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

November 18, 2018

Ankur

**(SUDHIR MITTAL)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No