

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-39583-2018

Date of Decision: 28.02.2019

Malkit Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. GS Sandhu, Advocate for the petitioner.

Mr. Davinder Bir Singh, DAG, Punjab.

RAMENDRA JAIN, J. (ORAL)

Through this petition under Section 439 Cr.P.C., petitioner-Malkit Singh, has prayed for grant of regular bail in case FIR No. 173 dated 15.10.2017 registered under Sections 25, 27A and 22 of the NDPS Act at Police Station Nehainwala, District Bathinda.

According to the prosecution, on 15.10.2017, the petitioner was apprehended with his motorcycle having conscious possession of 2000 tablets of Alpam-0.5, along with his co-accused-Ramandeep Singh, with 400 tablets of the same salt.

Learned counsel *inter alia* contends that petitioner is in custody since 15.10.2017. After examination of most of the prosecution witnesses, now, the police has filed supplementary challan against co-accused-Yadwinder Singh, on account of which the entire trial against the petitioner has become *de novo*. Therefore, its conclusion would take sufficient long time. More so, co-accused of the petitioner, namely;

Ramandeep Singh, has been granted regular bail by this Court vide order dated 24.08.2018, passed in CRM-M-3837-2018, whereas co-accused Yadwinder Singh, has also been granted the concession of anticipatory bail. Therefore, treating the case of the petitioner on the same parity, he may also be released on regular bail.

On the other hand, learned State counsel vehemently opposing the submissions of learned counsel for the petitioner contends that case of the petitioner cannot be treated on the same parity as that of his co-accused-Ramandeep Singh, because recovery of contraband from the petitioner is 5 times more than that from his co-accused.

Having given thoughtful consideration to the rival submissions, but without expressing any opinion on the merits of the case, the instant petition is allowed, taking into account the custody period of the petitioner i.e. for around 16 months and that after filing of supplementary challan, trial against the petitioner has become *de novo and* would take further sufficient long time in its conclusion. Consequently, petitioner-Malkit Singh, is ordered to be released on bail pending trial, on his furnishing adequate bail and surety bonds to the satisfaction of trial Court/Duty Magistrate, concerned.

February 28, 2019
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No