

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

**Criminal Misc. No. M-52446 of 2018
Date of decision: 08.01.2019**

Harmandeep Singh alias Jagdeep Singh alias Deep
..Petitioner

Versus

State of Haryana
..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. M.S. Khillan, Advocate
for the petitioner.

Mr. Rajesh Sheoran, Addl. A.G., Haryana
for the respondent-State.

Daya Chaudhary, J. (oral)

The present petition has been filed by petitioner-Harmandeep Singh alias Jagdeep Singh alias Deep under Section 439 Cr.P.C. for grant of regular bail to him in case FIR No.203 dated 23.06.2017 registered under Sections 15/25/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Nissing, District Karnal.

Learned counsel for the petitioner submits that no recovery was effected from the conscious possession of the petitioner. The petitioner was not aware as to what was there in the truck being the driver and only the owner was aware. It was a case of chance recovery from the thorough fare but no independent witness was joined at the time of recovery. Learned counsel also submits that mandatory provisions of Sections 42 and 50 of the NDPS Act have not been followed. Co-accused of the petitioner, namely, Ashok Kumar @ Kala and Didar Singh alias Dara Singh, have been released on regular bail by this Court. The petitioner is in custody since 23.06.2017.

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All the witnesses are official witnesses and there is no possibility that the petitioner may influence the witnesses or tamper with the evidence. No other case of similar nature is pending against the petitioner.

Learned State counsel has not disputed the custody period; release of co-accused on regular bail as well as the fact that no other case of similar nature is pending against the petitioner.

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.

In view of the submissions made by learned counsel for the petitioner that the petitioner is in custody since 23.06.2017; no other case of similar nature is pending against the petitioner; two co-accused have been released on regular bail by this Court and all the witnesses are official witnesses and there is no possibility that the petitioner may influence the witnesses or tamper with the evidence, the present petition is allowed and the petitioner (Harmandeep Singh alias Jagdeep Singh alias Deep) is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court.

08.01.2019
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

No