

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

**Criminal Misc. No. M-53523 of 2018
Date of decision: 31.01.2019**

Navjot Singh

..Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. Parminder Singh, Advocate
for the petitioner.

Mr. Amit Mehta, Sr. DAG, Punjab
for the respondent -State.

Daya Chaudhary, J. (Oral)

The present petition has been filed by the petitioner under Section 439 Cr.P.C. for grant of regular bail to him in case FIR No.180 dated 08.08.2017 registered under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Sadar District Ludhiana.

Learned counsel for the petitioner submits that the petitioner was not found to be in conscious possession of the alleged substance and he was not having any knowledge of the alleged recovery. The petitioner was working with the owner of the car. Learned counsel further submits that mandatory provisions of the NDPS Act have not been followed. The petitioner is in custody since 08.08.2017 and no other case under the NDPS Act is pending against him. All the witnesses are official witnesses and there is no possibility that the petitioner may influence the witnesses or tamper with the evidence. Learned counsel also submits that co-accused of the petitioner, namely, Jaswinder Singh and Manpreet Singh @ Manni have

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been released on regular bail by this Court vide separate orders dated 22.11.2018 passed in CRM-M Nos.42524 and 22602 of 2018.

Custody certificate has been filed in the Court today and the same is taken on record.

Learned State counsel has not disputed the custody period as well as release of above said co-accused on regular bail but has opposed grant of regular bail to 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.

By considering the submissions made by learned counsel for the petitioner that the petitioner is in custody since 08.08.2017; his co-accused, namely, Jaswinder Singh and Manpreet Singh @ Manni have been released on regular bail by this Court; out of 14 prosecution witnesses, four have been examined; 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 under the NDPS Act is pending against him; trial may take time to conclude and no purpose would be served by keeping the petitioner in custody, the present petition is allowed and the petitioner (Navjot Singh) is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court.

31.01.2019
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

No