

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

**CRM-M No.32405 of 2019 (O&M)
Decided on: 13.12.2019**

Tejinder Singla

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Manish Kumar Singla, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.17 dated 13.04.2019, registered under Section 22 of the of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the NDPS Act') at Police Station Smalsar, District Moga.

Counsel for the petitioner has argued that the petitioner is the first offender and has no previous history of involvement in any other case under the NDPS Act. It is further submitted that the investigation is complete and the case, before the trial Court, is fixed for prosecution evidence and as per the order dated 06.11.2019 passed by the Judge, Special Court, Moga, PW – SI Harbinder Singh is not appearing despite being served and even the SHO/Inspector Lachman Singh is also not appearing and on that account, the trial is being delayed.

Counsel for the State, on instructions from the

Investigating Officer and on the basis of the Custody Certificate has not disputed the fact that the petitioner is in custody since 16.04.2019 and the case is fixed for prosecution evidence.

Without commenting anything on merits of the case, considering the fact that the petitioner is the first offender; he is not involved in any other case under the NDPS Act; he is in judicial custody since 16.04.2019; the case, before the trial Court is fixed for prosecution evidence and it will take some time in conclusion of the trial, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

13.12.2019

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(ARVIND SINGH SANGWAN)

JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No