

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

CRM-M-33982-2019

Date of Decision : November 16, 2019

Malkeet Singh @ Nikka

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Manvinder Sidhu, Advocate
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

This is the second petition filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.119 dated 11.8.2018 under Sections 21 and 22 of the NDPS Act, 1985, registered at Police Station Baragudha, District Sirsa, the earlier one was decided on 3.10.2018 and the petitioner was granted the concession of interim bail as the report of the FSL was awaited.

Counsel for the petitioner submits that after receiving the FSL report, the petitioner has surrendered before the trial Court and now he is in judicial custody. Counsel for the petitioner further submits that the petitioner is the first offender and on 11.8.2018, the police apprehended one Darshan Singh and found 32 strips containing 10 tablets each in one strip and total 320 tablets of Tramadol. Later on, in his disclosure, Darshan Singh stated that he has purchased the same from Malkeet Singh @ Nikka. Counsel for the petitioner further submits that the petitioner was nominated as accused on the basis of the disclosure of his co-accused.

Learned State counsel, on instructions from ASI Rajesh Kumar has submitted that when the petitioner was arrested, 20 tablets of Tramadol were recovered from his possession.

Without commenting anything on the merits of the case; considering the aforesaid submission made by counsel for the petitioner and that the petitioner remained on interim bail for some time and has not misused the same; he is the first offender and the conclusion of the trial will take some time, this petition is allowed and the petitioner is directed to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/ Illaqa Magistrate, concerned.

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.

(ARVIND SINGH SANGWAN)
JUDGE

November 16, 2019
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Whether speaking/reasoned : YES / NO
Whether reportable : YES / NO