

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

**CRM-M-39379-2019
Date of decision: 23.09.2019**

Teg Singh @ Tega

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Ashok Giri, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 37 dated 10.11.2018, registered under Section 22 of the NDPS Act, 1985 at Police Station Patara, District Jalandhar.

Learned counsel for the petitioner submits that the petitioner was initially granted concession of interim bail awaiting the report of FSL, vide order dated 05.02.2019 passed in **CRM-M-4574-2019** and thereafter, he surrendered before the trial Court and his bail application has been dismissed.

Learned counsel for the petitioner further submits that the petitioner is not involved in any other case and he is in judicial custody for the more than 09 months.

Learned counsel for the petitioner further submits other

co-accused, namely Varun Kumar @ Beenu and Ravinder Kumar, have already been granted concession of regular bail by this Court, vide order common order dated 24.04.2019 passed in **CRM-M Nos. 5630 and 8328 of 2019**.

Learned counsel for the petitioner further submits that complainant and the Investigating Officer is the same person in this case, hence, it will be a debatable issue whether the judgment rendered by Hon'ble Supreme Court in **Mohan Lal vs. State of Punjab, 2018 (3) Law Herald (P&H) 2397 (SC)** will be applicable to the present case or not.

Learned State counsel, on instructions from the Investigating Officer and on the basis of the custody certificate filed today in Court, has not disputed the factual position that the petitioner is not involved in any other case, however, submitted that he was the driver of the car and the recovery was effected underneath the seat of the driver.

Learned State counsel further submitted that though the charges have been framed, however, out of total 10 prosecution witnesses, none has been examined so far.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that two of the co-accused have already been granted concession of regular bail by this Court as noticed above; the petitioner has undergone more than 09 months in judicial custody; the trial is likely to take some time as no prosecution witness has been examined so far and also in view of the judgment rendered by Hon'ble Supreme Court in **Mohan Lal's case (supra)**, the instant petition is allowed. The petitioner is ordered to be released on

regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

23.09.2019

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No