

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

**CRM-M-43923-2019
Date of decision: 23.10.2019**

Surjit Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Karanjit Singh, Advocate
for the petitioner.

Mr. Jagmohan Ghuman, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This is the second petition that has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 39 dated 16.02.2018, registered under Section 22/25/27-A/29 of the Narcotic Drugs & Psychotropic Substances Act, 1985 and Section 25/54 of the Arms Act, 1959 at Police Station Meharban, District Ludhiana. The first petition bearing CRM-M-30817-2018 was dismissed as withdrawn on 24.08.2018.

Learned counsel for the petitioner submits that the new grounds for filing the present petition are that petitioner is in judicial custody since 16.02.2018 and the case is still at the stage of recording the statement of prosecution witnesses.

Learned counsel for the petitioner relies upon order dated 25.09.2019 passed by this Court in **CRM-M-31101-2019**, vide which, co-accused Gurjant Singh has been granted concession of regular bail by passing the following order:

“Counsel for the petitioner has submitted that the petitioner is in custody for the last 01 year and 07 months and he is a first offender. It is further submitted that as per the allegations in the FIR, the police party apprehended the petitioner along with the co-accused Surjit Singh and recovered 600 gms of Heroin from the present petitioner – Surjit Singh and 900 gms of Heroin from the co-accused – Surjit Singh. It is further argued that the out of 16 prosecution witnesses, only 01 PW has been examined so and conclusion of the trial will take long time.

Counsel for the State, on instructions from HC Balbir Singh, has not disputed the factual position but opposed the prayer for bail.

Without commenting anything on merits of the case, considering the fact that the petitioner is the first offender; out of 16 PWs only 01 PW has been examined so far and the conclusion of the trial will take some time, 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/Illaq 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.”

Learned counsel for the petitioner further submits that the petitioner is not involved in any other case and the allegations against the petitioner are identical to that of aforesaid co-accused Gurjant Singh.

Learned State counsel, on instructions from ASI Kanwaljit Singh, has not disputed the factual position and submitted that out of total 10 prosecution witnesses, 06 witnesses have been examined so far and the

case is still at the stage of recording the statement of prosecution evidence.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that the petitioner is in judicial custody since 16.02.2018; co-accused has already been granted concession of regular bail as noticed above and also in view of the fact that conclusion of trial is likely to take some time as the case is still at the stage of recording the statement of prosecution witnesses, 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.

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

23.10.2019

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No