

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

CRM-M-47363-2019

Date of Decision : November 16, 2019

Mahender Singh @ Kulla	Petitioner
Versus	
State of Haryana`	Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Rahul Sharma, Advocate
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

This is the first petition filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.566 dated 15.11.2018 under Section 21 of the NDPS Act, 1985 registered at Police Station Sadar, Thanesar, District Kurukshetra.

Counsel for the petitioner submits that the petitioner is in custody for the last more than one year and the case is still at the stage of recording of the prosecution evidence. Counsel for the petitioner further submits that the recovery from the petitioner is 10 grams of heroin and it will be debatable issue whether the proper procedure was followed while conducting the search. He further submits that the petitioner is involved in one more case, though he is on bail.

Learned State counsel has filed the custody certificate and has not disputed the above-mentioned fact that the petitioner is in custody for the last more than one year and he is on bail in another case. Learned State counsel further

submitted that out of 15 prosecution witnesses, only 04 have been examined so far.

Without commenting anything on the merits of the case, considering the aforesaid submission made by counsel for the petitioner and out of 15 prosecution witnesses only four have been examined, 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/Illaq 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