

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

**CRM-M No.57333 of 2018 (O&M)
Date of decision : 11.01.2019**

Hardyal Singh

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. M.S.Dhami, Advocate
for the petitioner.

Ms.Amarjit Kaur Khurana, DAG, Punjab.

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.63 dated 26.09.2018 registered under Sections 18/29 of NDPS Act, 1985 at Police Station Behram, District SBS Nagar (Nawanshahr).

Custody certificate by way of affidavit of Iqbal Singh Dhaliwal, PPS, Deputy Superintendent Central Prison, Ludhiana on behalf of State has been filed and the same is taken on record.

Learned counsel for the petitioner has argued that the recovery is 2 ½ kg of opium and the petitioner has been in custody since 26.09.2018.

Learned Deputy Advocate General states that the custody certificate reflects these facts and further says that no other case is pending against the petitioner.

Counsel for the petitioner states that since it is a non-commercial quantity, the petitioner should be released on bail.

Learned Deputy Advocate General on instructions from ASI Balbir Singh states that out of 9 witnesses, 3 witnesses have already been examined and instead of releasing the petitioner on bail, it would be appropriate to put a time cap on the trial and in case the petitioner does not obstruct the trial the prosecution will lead its entire evidence on or before 05.03.2019 and till such time the bail should not be granted to the petitioner.

I find this to be a fair submission. In the circumstances, in view of the undertaking given by the learned Deputy Advocate General, it is directed that in case the prosecution does not lead its entire evidence on or before 05.03.2019 (subject to the accused not obstructing the same) the petitioner be released on bail to the satisfaction of the trial Court.

Petition stands disposed of in the above terms.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

11.01.2019

Pooja sharma-I

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No