

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

208

Crl. Misc. No.M- 51256 of 2019

Date of Decision:- 06.12.2019

Dalwara Singh @ Kala

....Petitioner

vs.

State of Punjab

....Respondent

BEFORE :- HON'BLE MR. JUSTICE SUDHIR MITTAL

Present:- Ms. Vibha Nagar, Advocate for
Mr. Dinesh Nagar, Advocate,
for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab.

Sudhir Mittal, J. (Oral)

Petitioner seeks grant of regular bail in case FIR No.31 dated 4.4.2019 registered at Police Station, Kathgarh, District SBS Nagar, under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

Learned counsel for the petitioner submits that the petitioner was not apprehended at the spot and he has been nominated as an accused on the statement of the co-accused who was apprehended at the spot. The petitioner has been in custody for over seven months and the trial is not likely to be concluded at an early date as only one PW has been examined out of a total of seven PWs. There is no other criminal case pending against the petitioner and, thus, he may be granted regular bail.

Custody certificate dated 6.12.2019 prepared by Sh. Iqbal Singh
Dhaliwal, PPS, Deputy Superintendent, Central Prison, Ludhiana, has been

filed in Court. The same is taken on record. According to this certificate, the petitioner has undergone actual custody of 7 months and 28 days and there is no other criminal case pending against him.

Learned State counsel opposes the prayer for grant of regular bail on the ground that two persons were noticed carrying the contraband and one of them managed to escape in the darkness. The said person is the petitioner. He is, however, not in a position to controvert the submission of learned counsel for the petitioner that the trial is still at the initial stage.

Considering the fact that the petitioner has been in custody for over 7 months as well as the fact that the trial is not likely to be concluded at an early date, I deem it appropriate to release the petitioner on regular bail. As per the custody certificate, this is the only criminal case pending against the petitioner and releasing him on bail would not be a threat to the society.

The petition is accordingly allowed and the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

December 06, 2019
poonam

(SUDHIR MITTAL)
JUDGE

Whether Speaking/Reasoned

Yes

Whether Reportable

No