

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-940 of 2020

Date of Decision: January 22, 2020

Chandan

.....Petitioner

versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTALPresent: Mr. Shokeen Singh Verma, Advocate
for the petitioner

Mr. Manish Dadwal, AAG Haryana

Sudhir Mittal, J. (Oral)

This is the second petition of the petitioner for grant of regular bail in case FIR No. 174 dated 05.05.2017 under Section 20 of the NDPS Act, 1985 registered at Police Station Urban Estate, Rohtak.

The FIR came to be registered on account of alleged recovery of 105 Kgs of Ganja.

Learned counsel for the petitioner submits that the petitioner has been in custody w.e.f. 08.05.2017 and that his custody period has exceeded 2 ½ years. There is no other criminal case pending/decided against him. The trial is still at the initial stage as no prosecution witness has been examined till date. Thus, the petitioner may be granted regular bail.

Custody certificate dated 21.01.2020 prepared by Sh. Sewa Singh, Deputy Superintendent, District Prison, Rohtak, has been filed in the Court today and the same is taken on record. According to the certificate, the petitioner has undergone actual custody of 2 years, 8 months and 14 days and there is no other criminal case pending/decided against him.

Learned State counsel has not been able to controvert the submissions made by learned counsel for the petitioner that no prosecution witness has been examined till date.

Keeping in view the custody period as well as the fact that the trial is not likely to be concluded at an early date, I deem it appropriate to grant regular bail to the petitioner. Accordingly, the petition is allowed and the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

January 22, 2020

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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No