

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

**CRM-M-32543-2019
Date of decision: 13.01.2020**

Gurmukh Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. R. S. Sekhon, Advocate
for the petitioner.

Mr. A. P. S. Gill, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This is the fourth 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. 83 dated 17.08.2017, registered under Section 18 of the NDPS Act, 1985 at Police Station Bahawala, District Fazilka.

The first petition bearing CRM-M-61658-2018 was filed for grant of interim bail to the petitioner on account of marriage of his son and the second petition bearing CRM-M-13397-2019 was filed for grant of interim bail on account of marriage of the son of the petitioner's sister. The third petition bearing CRM-M-26558-2019 for grant of regular bail was dismissed as withdrawn on 12.07.2019.

Learned counsel for the petitioner submits that now the custody period of the petitioner is about two and a half year and the case is still at the stage of recording the prosecution evidence.

Learned counsel for the petitioner further submits that as per non-consent memo, the Investigating Officer, after recording the consent of

the petitioner and co-accused Arvinder Singh, further conducted the search.

Learned State counsel, on instructions from the Investigating Officer, has not disputed the factual position.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that petitioner is in judicial custody for about two and a half year and the case is still at the stage of recording the prosecution evidence and also in view of the fact that the petitioner has availed interim bail on two occasions and he has not misused the same and has surrendered back in time, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety to the satisfaction of the trial Court/Duty Magistrate concerned.

13.01.2020

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No