

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

**CRM-M No.37140 of 2019
Date of decision:11.02.2020**

Santokh Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

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

Mr. Ramdeep Partap Singh, DAG, Punjab.

SUVIR SEHGAL J. (ORAL)

Petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.38, dated 22.04.2019 registered under Sections 21 and 61 of the Narcotic Drugs and Psychotropic Substance Act, 1985, at Police Station Bahawala, District Fazilka.

Learned counsel for the petitioner has submitted that the investigating agency has violated the mandatory provision of Sections 42 and 50 of the NDPS Act. The petitioner is behind bars for last more than 9 months and trial is at the initial stage.

Learned State counsel upon instructions from ASI Jaswinder Singh has submitted that 500 grams of heroine was recovered from the person of the petitioner and he is not entitled to the concession of bail. Learned State counsel submits that the petitioner was arrested on 22.04.2019; challan was presented on 24.09.2019 and the charges were framed on 17.12.2019 but no prosecution witness has been produced till date. Learned State counsel further submits that it is an admitted fact that

the petitioner is not involved in any other case.

Heard.

No doubt, 500 grams of heroine was recovered from the petitioner but the petitioner has already spent more than 9 months behind bars and the trial is likely to take some time, therefore, no useful purpose would be served by keeping the petitioner in further detention. Without commenting anything on the merits of the case, the petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate.

11.02.2020

pooja saini

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No