

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-47996-2019
(Heard through VC)
Date of decision: 13.08.2020

Kuldeep Singh**....Petitioner****V/s.****State of Haryana****.....Respondent****CORAM: HON'BLE MS. JUSTICE RITU BAHRI.**

Present: Mr. Ajay Arora, Advocate for the petitioner.

Mr. Karan Sharma, AAG, Haryana.

Ritu Bahri, J. (Oral)

This petition under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No. 225 dated 26.06.2019 registered under Section 22-C of NDPS Act, 1985 at Police Station Rania.

Learned counsel for the petitioner submits that recovery of 1500 capsules of Ridlay Parvorin-Spas Tramadol had been effected from the petitioner which is higher than the commercial quantity. However the petitioner is in custody since 27.06.2019.

As per the custody certificate dated 26.02.2020 placed on file, the petitioner is in custody since 27.06.2019 and he is also convicted in FIR No. 86 dated 26.05.2012 registered under Section 15 of NDPS Act at Police Station Ellenabad, Sirsa vide judgment dated 20.07.2013. In this case, the petitioner has undergone 4 years, 5 months and 21 days. However he has been released on bail in this case vide order dated 21.09.2016.

Learned counsel for the State submits that there are 15 witnesses to be examined and the next date fixed before the trial Court is 07.10.2020 for prosecution evidence.

In the present case, the petitioner has been in custody for more than one year and keeping in view that the trial will take some time for its conclusion, this Court feels that there is no need to detain the petitioner any longer. Accordingly, this petition is allowed and the petitioner is ordered to be enlarged on bail to the satisfaction of the concerned Chief Judicial Magistrate/Duty Magistrate.

However a direction is being given to the State that if the petitioner is found indulging in any other NDPS Act irrespective of recovery of commercial or non-commercial quantity, application for cancellation of bail be moved immediately.

13.08.2020

Divyanshi

**RITU BAHRI
(JUDGE)****Whether speaking/reasoned:****Yes/No****Whether reportable:****Yes/No**