

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M No.28728 of 2021

Date of Decision: August 02, 2021

Resham Singh

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. J.S. Thind, Advocate for the petitioner.

Mr. Bhupender Singh, DAG, Haryana.

SUDIP AHLUWALIA J. (ORAL)

The instant Petition has been filed under Section 439 of the Code of Criminal Procedure seeking Regular Bail on behalf of the Petitioner in case FIR No.73, dated 02.02.2020 registered under Sections 22, 61, 85 of the NDSP Act, 1985 at Police Station City Sirsa, District Sirsa.

2. Ld. Counsel for the petitioner has relied upon the decision of the Coordinate Bench of this Court in case title as “ *Balkar singh Vs. State of Haryana* passed in *CRM-M No.20846 of 2001* decided on 09.08.2001” in which the concerned petitioner was granted Regular Bail in similar circumstances after holding that Naib Tehsildar is not “Magistrate” of the type as envisaged under Section 50 of the NDPS Act and submits further that in the present case also, the alleged recovery was effected in presence of Naib Tehsildar viz. Sh. Mahender Kumar.

3. It, also, transpires that by now the petitioner has remained in detention for exactly one and half years following his arrest and trial in the case is yet to commence. Even the charges are yet to be framed. There is no record of petitioner's involvement of any other case under the NDPS Act.

4. In the circumstances, without commenting upon the other merits of the case and keeping in view the fact that the trial is likely to take a considerable time to conclude in view of the on-going Covid-19 Pandemic, at this stage, this Court is of the opinion that further detention of the Petitioner for an indefinite period is not called for. As such, he is ordered to be released on bail subject to the satisfaction of the Ld. Trial Court/Duty Magistrate concerned.

5. Disposed off.

(SUDIP AHLUWALIA)
JUDGE

August 02, 2021
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Whether speaking/reasoned:	Yes/No.
Whether reportable:	Yes/No