

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

208

CRM-M-7844-2022

Date of Decision: 02.03.2022

Mukhtiar Singh @ Kali

....Petitioner

Versus

State of Punjab

....Respondent

CORAM:HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Gurpal Singh Sandhu, Advocate for the petitioner.

Mr. R.S. Khaira, AAG, Punjab.

HARINDER SINGH SIDHU, J.

Present petition has been filed under Section 439 of the Code of Criminal Procedure (Cr.P.C.) for grant of concession of regular bail to the petitioner in case FIR No.01 dated 30.11.2017 under Sections 18, 21, 25, 29, 30, 61 and 85 of Narcotic Drugs and Psychotropic Substances Act and Section 66F of IT Act, registered at Police Station SSOC Fazilka, District Fazilka.

Learned counsel for the petitioner submits that the petitioner is in custody since 30.11.2017. There are total 18 prosecution witnesses, only two have been examined so far. There is no case pending against the petitioner under the provisions of NDPS Act.

Vide order dated 14.07.2021, petitioner was directed to be released on interim bail for a period of six weeks. The petitioner has thereafter surrendered before the jail authorities on 25.01.2022. As of now the petitioner has undergone sentence of three years and nine

months. Taking into consideration that out of 18 prosecution witnesses only two have been examined till date and there is no other case against the petitioner under the provisions of NDPS Act and the trial is unlikely to conclude in near future more so in the wake of outbreak of pandemic COVID, no useful purpose will be served by keeping the petitioner in custody till the final disposal of the case.

Accordingly, without expressing any opinion on the merits of the case, this criminal miscellaneous petition is allowed and the petitioner-Mukhtiar Singh @ Kali is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate, Chief Judicial Magistrate, concerned.

It is made clear that in case the petitioner indulges in any similar activity while on bail, the prosecution agency will be at liberty to seek the cancellation of the order granting bail to the petitioner.

[HARINDER SINGH SIDHU]
JUDGE

March 02, 2022
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Whether speaking/reasoned	yes/no
Whether reportable?	yes/no