

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

***CRM No. M-13226 of 2015
Date of decision:01.05.2015***

Balbir Singh @ Maru

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. Vijay K. Jindal, Advocate for the petitioner.

Mr. Mikhail Kad, A.A.G., Punjab.

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TEJINDER SINGH DHINDSA, J.

This order shall dispose of the instant petition filed under Section 439 Cr.P.C. seeking the concession of regular bail to the petitioner in case FIR No.127 dated 30.7.2010 under Sections 22, 25, 61, 85 of N.D.P.S Act and sections 379, 411, 472 I.P.C, registered at Police Station, Sultanwind, District Amritsar.

Learned counsel for the parties have been heard.

As per prosecution version, a police party headed by S.I. Bhupinder Singh upon receiving a secret information had laid a *Naka* on 30.7.2010 in which an Ascent car bearing registration no. PB-25-C-6789 was intercepted and the present petitioner along with co-accused Rajesh Kumar was apprehended on the spot and 1 kg heroin was allegedly recovered. Two other persons namely Bhupinder Singh @ Sonu and Sunil Kumar @ Rana are stated to have escaped from the spot.

Present petitioner has been in custody since 30.7.2010.

A person by the name of Vicky has also been nominated as an

accused in the challan that was presented by the investigating agency and he was arrested on 28.11.2013.

Learned State counsel upon instructions from ASI Ramender Pal Singh would apprise the Court that out of 19 prosecution witnesses, 9 have been examined till date. Apparently, co-accused Vicky son of Smt. Kailash Kaur having been brought on trial only in late 2013 the trial proceedings would further get delayed and as such would take time to complete.

Even though, alleged recovery from the car in which the petitioner was travelling is heavy, still, it cannot be lost sight of that the petitioner as an under trial has already undergone a custody period of 4 years and 8 months approximately. It also stands conceded that the petitioner is not stated to be involved in any other proceedings under the N.D.P.S Act.

In the totality of circumstances and keeping in view the length of custody period already suffered by the petitioner and without making any observations on merits, petition is allowed.

Petitioner be enlarged on bail subject to satisfaction of C.J.M., Amrtisar.

01.05.2015

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**(TEJINDER SINGH DHINDSA)
JUDGE**