

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-37891 of 2015

Date of decision:25.01.2016

Balvir Singh @ Bira Petitioner
Versus
State of Punjab Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Vishnav Gandhi, Advocate for the petitioner.

Mr. K.S. Sidhu, Deputy Advocate General, Punjab.

Jaswant Singh, J. (Oral)

Prayer is for grant of regular bail to the petitioner under Section 439 Cr.P.C in case FIR No.84 dated 23.11.2014 under Sections 15, 25, 61, 85 of Narcotic Drugs and Psychotropic Substances Act registered with Police Station Sadar, Budhlada, District Mansa.

As per the allegations, one white colour swift car bearing registration No.HR36-M-9988 was intercepted by the police party. On a signal to stop, the driver is alleged to have fled away while accused Balvir Singh was apprehended while trying to flee away and from the rear seat, 54 KG and 200 grams of poppy husk was recovered. On the disclosure statement of the petitioner, the owner of the car namely Sukhwinder Singh was nominated as an accused. It is contended that the petitioner is in custody since 23.11.2014 and the main co-accused Sukhwinder Singh has since been granted regular bail. It is also submitted that the alleged recovery from two persons is marginally commercial, apart from the fact that after completion of the investigation, challan has been presented.

Learned State Counsel, on instructions from ASI Balwinder Singh is unable to refute the contention qua grant of regular bail to the co-accused Sukhwinder and further submits that two witnesses already stands examined.

Without commenting on the merits of the case and keeping in view the custody period of the petitioner and parity of treatment and the fact that the challan has been presented, no useful purpose would be served by keeping the petitioner/accused in custody, the present petition is allowed and the petitioner is ordered to be released on bail subject to satisfaction of Chief Judicial Magistrate/ Duty Magistrate, Mansa.

25.01.2016
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(JASWANT SINGH)
JUDGE