

CRM-M-23368-2018

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-23368-2018

Date of Decision: 1st June, 2018

Palwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Baltej Singh Sidhu, Advocate, for the petitioner.
Mr. Kuldeep Singh, Sr. DAG, Punjab.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court for grant of regular bail by filing this petition under Section 439 of the Code of Criminal Procedure, 1973, in FIR No.207, dated 15.11.2017, registered at Police Station Sadar Sri Muktsar Sahib, District Sri Muktsar Sahib, under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as 'NDPS Act').

It is the contention of the learned counsel for the petitioner that the petitioner was arrested in this case on 15.11.2017 and since then, he is in custody. He contends that the recovery has not been effected from the petitioner rather the recovery which has been effected is from the motorcycle, which is owned by Het Ram, who is father of the co-accused of the petitioner, namely, Prempal Singh, who was driving the motorcycle. Petitioner was sitting between Prempal Singh and co-accused Balkar Singh @ Jogi. He contends that co-accused Balkar Singh @ Jogi has been granted the benefit of regular bail by this Court vide order dated 03.05.2018 passed

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in CRM-M-12945-2018, titled as 'Balkar Singh @ Jogi Vs. State of Punjab'.
Petitioner is placed similarly as the said person and therefore, prays for
grant of regular bail to the petitioner during the pendency of the trial.

Counsel for the State, on instructions from ASI Satish Kumar,
P.S. Sadar Sri Muktsar Sahib, submits that the charges have been framed
and the trial is now fixed for recording the statements of prosecution
witnesses on 07.06.2018. He further states that out of total 12 prosecution
witnesses, none has been examined till date. He, however, opposes the
prayer made by the petitioner for grant of regular bail.

Having considered the submissions made by the counsel for the
parties and keeping in view the facts that the petitioner is in custody since
the date of his arrest i.e. 15.11.2017, he is not involved in any other case
under the NDPS Act except for the present one, his co-accused Balkar
Singh @ Jogi has been granted the benefit of regular bail by this Court, trial
is not likely to conclude in near future as none of the prosecution witnesses
has been examined till date, the present petition is allowed and the
petitioner is ordered to be released on bail subject to his furnishing bail and
surety bonds to the satisfaction of the trial Court concerned.

Any observation made herein-above shall have no bearing on
the merits of the case during the trial in any manner.

(AUGUSTINE GEORGE MASIH)
JUDGE

1st June, 2018
Harish

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No