

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

CRM-M No. 34775 of 2017

DATE OF DECISION :- March 22, 2018

Balkar Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAN

Present:- Mr. Rahul Rampal, Advocate for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

This petition for regular bail has been filed by petitioner Balkar Singh, an accused in F.I.R. No. 148 dated 27.6.2017 for offence under Section 15 of the NDPS Act registered with Police Station Lambi, District Sri Muktsar Sahib on the allegations that on 27.6.2017, petitioner along with his co-accused Angrej Singh was found in possession of 11 Kg 500 grams of poppy husk/heads. The trial against both of the accused is going on and is stated to be at preliminary stage.

Learned State counsel has informed that out of 11 PWs cited only 1 PW has been examined so far. Co-accused of the petitioner Angrej Singh is said to have been granted regular bail by Judge, Special Court, Sri Muktsar Sahib vide order dated 26.7.2017.

As per custody certificate, the present petitioner is in custody for more than eight months. Though he is shown to be involved in another criminal case under NDPS Act but is shown to be on bail in that case.

I have heard learned counsel for the petitioner and learned State

counsel besides going through the record.

The petitioner cannot be put into custody endlessly. Keeping in view the quantity of contraband recovered from him and his co-accused, which amounts to non commercial quantity and without commenting upon the merits of the case, I find that it would be in fitness of things if the present petition is allowed. The petitioner is ordered to be released on bail on furnishing bail bond and surety bond to the satisfaction of the learned trial Court/CJM/Duty Magistrate, Sri Muktsar Sahib subject to the following conditions : -

- (i) he shall appear in the Court on each and every date of hearing.
- (ii) he shall not give any threat or intimidation to the prosecution witnesses.
- (iii) he shall not leave India without prior permission of the Court and shall surrender his Passport, if he has got one otherwise to furnish affidavit in that regard.

In addition to that the trial Court may impose any term and condition found suitable to ensure that the petitioner does not abscond and interfere in the trial.

In case the petitioner violates any term and condition on which the bail has been granted to him, the order shall be liable to be withdrawn.

(H.S. MADAAN)
JUDGE

March 22, 2018

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No