

217 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-44864-2018 (O&M)

Date of decision:01.11.2018

Balwinder Singh @ Binder

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. R.S.Sekhon, Advocate
for the petitioner.

Mr. Hittan Nehra, Additional Advocate General, Punjab.

RAJBIR SEHRAWAT, J. (ORAL)

Prayer in this petition filed under Section 439 of Cr.P.C. is for grant of bail pending trial in case FIR No.221 dated 10.10.2017 under Sections 22 of NDPS Act, registered at Police Station City Tarn Taran, District Tarn Taran.

Learned counsel for the petitioner contends that even as per the case of prosecution, the alleged recovery from the petitioner is 255 grams of Heroin. However, as per FSL report, the actual quantity of the contraband substance in the recovery is of 42.67 grams. This is much less than the commercial quantity. Learned counsel for the petitioner has relied upon the judgment of this Court, dated 21.08.2018, rendered in ***Rajvir @ Raju Vs. State of Punjab in CRM-M-35080 of 2018***, to support his contention. It is further contended that the petitioner is in custody since 10.10.2017. The petitioner is not required for any further investigation purposes. The trial shall take a long time.

On the other hand, learned State counsel submits that the total recovery from the petitioner is more than commercial quantity. However,

counsel for the State has not disputed the report of the FSL. But the counsel for the State submits that there are three more cases against the petitioner. Therefore, the petitioner does not deserve any concession of bail.

In response to this, counsel for the petitioner has submitted that the petitioner has been acquitted in one case and he is already released on bail in remaining two other cases.

In view the above, but without expressing any further opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

(RAJBIR SEHRAWAT)
JUDGE

01.11.2018

Hemlata

Whether speaking/reasoned
Whether reportable

Yes / No
Yes / No