

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

**CRM-M No.47024 of 2017
Decided on: 18.08.2018**

Balbir Singh @ Beera

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Prashant Vashisth, Advocate
for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.86 dated 21.06.2014, for offence punishable under Section 15/61/85 of the Narcotic Drug and Psychotropic Substances Act, 1985 (in short 'the NDPS Act'), registered at Police Station Payal, Police District Khanna, District Ludhiana.

Learned counsel for the petitioner has submitted that the petitioner was earlier granted interim bail awaiting the report of Chemical Examiner, which was received by the trial Court on 08.09.2017. It is further submitted that the petitioner was on interim bail from 07.05.2015 till 08.09.2017 and thereafter, the petitioner, on receiving the FSL report, surrendered before the trial Court.

Learned counsel for the petitioner has further argued that the petitioner is in custody since 08.09.2017 and till date, only 02 prosecution witnesses have been examined and the petitioner is not involved in any other case. It is further submitted that the petitioner, during the period when he was on interim bail, has not misused the concession of interim bail and his co-accused namely Prithipal Singh, has been granted the concession of regular bail vide order dated 06.08.2018 passed in CRM-M No.32079 of 2018.

Learned counsel for the State, on instructions from ASI Amardeep Singh, has not disputed the factual position that only 02 prosecution witnesses have been examined so far and the petitioner is not facing any other trial under the NDPS Act and he is not a previous convict.

Without commenting anything on merits of the case and considering the fact that the petitioner remained on interim bail for more than 02 years and has not misused the concession of bail during that period; he is not involved in any other case, prior or subsequent to registration of the present FIR; he is in judicial custody since 08.09.2017; the co-accused of the petitioner has already been granted the concession of regular bail by this Court; only 02 PWs have been examined so far and conclusion of the trial is likely to take some time, this petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/ surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any

other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

18.08.2018

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Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No