

CRM-M-5304-2018

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-5304-2018

Date of Decision: 14th February, 2018

Balkaran Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. D.N. Ganeriwala, Advocate
for the petitioner.

Mr. Dhruv Dayal, 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.106 dated 15.10.2017, registered at Police Station Bahawala, District Fazilka, under Sections 18/61 of Narcotic Drugs and Psychotropic Substances Act, 1985.

It is the contention of the learned counsel for the petitioner that the recovery of 01 Kg. of opium is alleged to have been effected from the petitioner on 15.10.2017, on which date, he was arrested. He further contends that the petitioner has been falsely implicated in the present case and the requirement of the statutory provisions with regard to the search has not been complied with. His further contention is that although the charge has been framed in the case but the trial is not likely

to conclude early. He, thus, prays that the petitioner may be granted the concession of bail during the pendency of the trial.

Counsel for the State, on instructions from HC Gurdeep Singh, P.S. Bahawala, District Fazilka, states that after the charge having been framed, the case is now fixed for 26.02.2018 for prosecution evidence and there are total 7 witnesses, who have to be examined.

Keeping in view the fact that non-commercial quantity has been recovered from the petitioner and charge having been framed with trial having not yet commenced and therein being 7 witnesses to be examined by the prosecution, this criminal miscellaneous petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

14th February, 2018
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

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