

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

**CRM-M No. 8075 of 2018  
Date of decision : 29.11.2018**

**Balu Singh**

.....Petitioner

*Versus*

**State of Punjab**

...Respondent

**CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY**

Present : Mr. Ashish Aggarwal, Advocate for the petitioner.

Ms. Samina Dhir, DAG, Punjab.

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**DAYA CHAUDHARY, J. (Oral)**

Petitioner Balu Singh has approached this Court by way of filing the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to him in case FIR No.91 dated 21.07.2017 under Section 18 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short the - 'NDPS Act') registered at Police Station – Goindwal Sahib, Distt. Tarn Taran, during pendency of the trial.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case, whereas he was not involved. The recovery is 3 kilograms of opium, which has been alleged to be effected from the bag carried by the petitioner, whereas from personal search of co-accused Yogita, the recovery was 2 kilograms of opium. Learned counsel also submits that the petitioner has undergone custody of more than one year and four months. Co-accused Yogita has been released on regular bail. No independent witness was joined at the time of the alleged recovery. Learned

counsel further submits that the petitioner is in custody since 21.07.2017 in the present case and one more FIR has been registered against him on 27.03.2018, while he was in custody in the present case. There was no reason for the petitioner to be involved in the other case when he was in custody. All the prosecution witnesses are official witnesses and there is no possibility that the petitioner may influence them or tamper with the evidence. The trial may take long time and no purpose would be served by keeping him in custody.

Learned State counsel has not disputed the period of custody undergone by the petitioner and also the fact that the co-accused has been released on regular bail. The date of subsequent FIR is also not disputed by learned State counsel.

Heard arguments of learned counsel for the parties and have also gone through the contents of the FIR and other documents on file.

Keeping in view the custody period undergone by the petitioner of more than one year and four months and also the fact that the co-accused has been released on regular bail; the subsequent FIR appears to be false as it is of subsequent date when the petitioner was in custody but at this stage nothing can be said; by considering the parity with the co-accused, the present petition is allowed and the petitioner is directed to be released on regular bail to the satisfaction of the trial Court.

**29.11.2018**

*sunil yadav*

**( DAYA CHAUDHARY )  
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No