

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

CRM-M No.8823 of 2018

Date of decision : 28.05.2018

Balwinder Singh

.....Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present : Mr. Raj Kumar Chandana, Advocate for the petitioner.

Ms. Jaspreet Kaur, AAG, Punjab.

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DAYA CHAUDHARY, J. (Oral)

Petitioner has filed this petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to him in case FIR No.12 dated 25.10.2017 under Sections 21, 29, 61 and 85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short – 'the NDPS Act') registered at Police Station STF Phase-IV, Mohali, during pendency of the trial.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case, whereas nothing was recovered from him and the alleged recovery has been shown to be effected from plastic polythene, which does not belong to him. Learned counsel further submits there was no compliance of provisions of Section 50 of the NDPS Act and

co-accused of the petitioner namely Bhupinder Singh and Sandeep Singh have already been released on regular bail. The petitioner is in custody since 25.10.2017. Only one prosecution witness has been examined out of total 15 witnesses and trial may take long time to conclude. All the prosecution witnesses are official witnesses and there is no possibility that the petitioner may tamper with the evidence or influence the prosecution witnesses.

Learned State counsel has not disputed the custody period and also the factum of releasing of co-accused on regular bail and the stage of the trial, but opposes the bail on the ground of seriousness of offence as well as the fact that two more cases are pending against the petitioner, but in those cases he is on bail.

Keeping in view the submissions made by learned counsel for the petitioner and also the facts that co-accused have been released on regular bail, all witnesses are official witnesses and there is no possibility that petitioner may influence them and trial may take long time to conclude as only one prosecution witness has been examined, the present petition is allowed and the petitioner is directed to be released on regular bail on furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court.

28.05.2018*sunil yadav***(DAYA CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No