

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

**Decided on: 12.10.2018**

**1. CRM-M No.9483 of 2018 (O&M)**

Balkar Singh @ Tur

....Petitioner

Versus

State of Punjab

....Respondent

**2. CRM-M No.22171 of 2018 (O&M)**

Malkit Singh @ Keetu @ Keepu

....Petitioner

Versus

State of Punjab

....Respondent

**CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN**

**Present :** Mr. Veneet Sharma, Advocate  
for the petitioner (in CRM-M No.9483 of 2018)

Mr. Rishu Mahajan, Advocate  
for the petitioner (in CRM-M No.22171 of 2018)

Mr. Joginder Pal Ratra, DAG, Punjab.  
(in both the petitions)

**ARVIND SINGH SANGWAN, J. (Oral)**

Prayer in these petitions is for grant of regular bail to the petitioners namely Balkar Singh @ Tur and Malkit Singh @ Keetu @ Keepu under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.138 dated 03.10.2017, for offence punishable under Section 21 of the Narcotic Drug and Psychotropic Substances Act, 1985 (in short 'the NDPS Act') registered at Police Station Kambo, Amritsar Rural, District Amritsar.

Counsel for the petitioner – Balkar Singh has submitted

that as per the allegations in the FIR, which was registered on the basis of a secret information, the Investigating Officer, who received the secret information, himself conducted the entire investigation. It is further submitted that recovery of 265 gms of heroin was effected from Balkar Singh @ Tur whereas 255 gms of heroin was effected from the co-accused – Malkit Singh @ Keetu @ Keepu.

Counsel for the petitioners has also submitted that it will be a debatable issue whether the judgment rendered by the Hon'ble Supreme Court ***“Mohan Lal vs State of Punjab”*** passed in Criminal Appeal No.1880 of 2011, decided on 16.08.2018, will be applicable in this case or not as the informant and the Investigating Officer are the same person.

Counsel for the petitioners has further argued that both the petitioners are not involved in any other case and they are in custody since 10.10.2017 and no prosecution witness has been examined, so far despite the fact that charges have been framed against the petitioners. It is further submitted that the co-accused of the petitioners namely Dilbagh Singh has already been granted the concession of interim anticipatory bail by this Court. It is also submitted that the conclusion of the trial will take long time.

Counsel for the State, on instructions from ASI Ravinder Singh, has not disputed the aforesaid fact but opposed the prayer for bail of the petitioners.

Without commenting anything on merits of the case, considering the fact that the petitioners are the first offenders; the FIR

However, it will be open for the prosecution to apply for cancellation of bail of the petitioners, in case they are found involved in any other case or misusing the concession of bail, in any manner.

*yakub*

Yes/No