

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

**CRM-M No. 42720 of 2019
Date of Decision:-15.10.2019**

Balbir Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. Narinder S. Lucky, Advocate
for the petitioner.

Mr. Sanjay Kumar Saini, AAG, Haryana.

MANOJ BAJAJ J.(Oral)

Petitioner has filed this petition under Section 439 of the Code of Criminal Procedure for grant of regular bail in case FIR No.112 dated 18.06.2019, under Sections 15 of NDPS Act, 1985, registered at Police Station Sadar Ambala, District Ambala. The petitioner is in custody since his arrest on 18.6.2019.

As per the prosecution, the police acted upon a secret information and stopped a vehicle Alto K-10 bearing registration No.PB-08-CL-3121, coming from the side of Ambala, which was being driven by accused Balbir Singh (petitioner) whereas, Gulshan @ Kaku was occupying the passenger seat and the third accused, namely, Sunny was on the rear seat. After completion of formalities, 31 kgs of Poppy Husk was recovered, which was contained in two plastic bags. On these broad allegations, the

FIR was registered.

Learned counsel for the petitioner contends that the vehicle does not belong to the petitioner, rather the same belongs to one Charanjit Singh. He further contends that the quantity of contraband recovered is non-commercial and the investigation of the case is complete and not even a single witness has been examined so far. According to him, he is not involved in any other case of similar nature and has prayed for grant of regular bail. He further submits that co-accused Gulshan Kumar @ Kakku has been granted concession of regular bail by this Court vide order dated 11.9.2019 passed in CRM-M-37718-2019 (Annexure P-3).

On the other hand, learned State counsel has opposed the bail application. However, it is not disputed that the recovered contraband falls within non-commercial quantity and investigation of the case is complete.

After hearing learned counsel for the parties, this Court finds that the trial of the case is likely to consume considerable time and keeping in view the custodial period of the petitioner, further custody may not be justified. Therefore, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court, Ambala.

The petition is allowed.

October 15, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No