

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

**CRM-M No. 46618 of 2019
Date of Decision:-06.11.2019**

Balbir Singh alias Baba

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. Gurdarshan S. Sidhu, Advocate
for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ J.(Oral)

Petitioner-Balbir Singh @ Baba has filed the present petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No. 504 dated 12.8.2019, under Section 22 of NDPS Act, registered at Police Station Sirsa City, District Sirsa. The petitioner is in custody since 04.9.2019.

As per FIR, on 12.8.2019 when the police party was on patrolling duty and moving from City Sirsa to village Kelnia, two boys were noticed near Shamshabad Patti, Sirsa and after noticing the police party ahead, they tried to turn back their motor-cycle in order to run away. But

due to change of motion, the engine of the bike was stopped and both the accused were apprehended. During inquiry, the driver of the motor-cycle disclosed his name as Raju Singh, whereas pillion rider disclosed his name as Rajender Singh. On search of the bag, which was hanging on handle of motor-cycle 600 intoxicated capsules were recovered. On interrogation, both the accused disclosed that the said contraband was purchased from Balbir alias Baba (petitioner).

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case, who was not arrested on the spot and no recovery is effected from him. Learned counsel further submits that it is on the disclosure statement, suffered by the co-accused, petitioner has been indicted in this case and the said statement may not be admissible in evidence. He submits that the trial is yet to start and it will take sufficient time to conclude. He prays that the petitioner be released on regular bail pending trial.

On the other hand, learned State counsel, who is assisted by ASI Rakesh, opposed the prayer on the ground that the petitioner has been specifically named by the co-accused persons. However, it is not disputed by learned State counsel that after completion of the investigation, the challan is likely to be filed today.

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, his 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, Sirsa.

The petition is allowed.

November 06, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No