

CRM-M-6302-2020

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

CRM-M-6302-2020
Date of Decision: 19.02.2020

Balkar Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. A.P.Kaushal, Advocate,
for the petitioner.

Mr. Dhruv Dayal, Sr. DAG, Punjab.

HARNARESH SINGH GILL, J.(Oral)

Petitioner has filed this petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.91 dated 16.08.2019, registered at Police Station Khilchian, District Amritsar, under Sections 115 and 120-B IPC and Sections 21, 22, 29 and 30 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Section 25 of the Arms Act, 1959.

Learned counsel for the petitioner contends that alleged occurrence is of 01.08.2019, whereas the FIR was registered on 16.08.2019 and the petitioner was arrested on 18.08.2019. The story put forth by the prosecution is that on the disclosure statement of the petitioner, two co-accused were arrested. Recovery of 1120 intoxicant tablets and 09 gram of heroin was allegedly effected from the petitioner. He further submits that co-accused, Bikramjit Singh and Gulzar Singh @ Bittu, have already been

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17.01.2020 passed in CRM-M-51016-2019 and CRM-M-779-2020, respectively.

Learned State counsel, on instructions from ASI Kulwant Singh, opposes the prayer made in the present petition, and states that recovery was effected from the present petitioner. He further submits that challan has been presented and charges are yet to be framed. However, he has no instructions regarding the affidavit dated 21.01.2020 given by the complainant mentioning that he had compromised the matter with petitioner-Balkar Singh qua Sections 115 and 120-B IPC.

I have heard learned counsel for the petitioner and the learned State counsel.

Challan has already been presented. The petitioner has been in custody since 18.08.2019. The trial of the case would take time to conclude. Moreover, co-accused, Bikramjit Singh and Gulzar Singh @ Bittu, have already been granted regular bail by this Court vide orders dated 13.01.2020 and 17.01.2020 passed in CRM-M-51016-2019 and CRM-M-779-2020, respectively. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

19.02.2020

parveen kumar

Note: Whether speaking/reasoned
Whether reportable

(HARNARESH SINGH GILL)

JUDGE

: Yes/No
: Yes/No