

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

205(1)

CRM-M-13093-2020 (O&M)

Date of decision : 15.07.2020

Balwinder Kumar @ Kalu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Ms. Manpreet Ghuman, Advocate,
for the petitioner.

Mr. Suveer Sheokand, Addl A.G., Punjab.

JITENDRA CHAUHAN, J. (Oral)

The matter has been taken up through video-conferencing in the light of the pandemic COVID-19 situation and as per instructions.

The instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 seeking bail in FIR No.95 dated 25.02.2020 registered for the offence under Section 22 of Narcotic Drugs & Psychotropic Substances Act, 1985 (for short 'NDPS') (later on added Section 29 of NDPS Act), at Police Station City Barnala, District Barnala.

Learned counsel, *inter alia*, contends that the petitioner was not named in the FIR. He was nominated on the basis of disclosure statement made by co-accused Mohal Lal and no recovery was effected from him. He was not arrested at the spot.

On the other hand, learned State counsel states that it is a huge

racket, which is running in the region relatable to the intoxicant tablets and other drugs which are being sold. The name of petitioner has been nominated during interrogation of co-accused Mohan Lal.

Heard.

The petitioner was not arrested at the spot . No recovery was effected from him. His name appeared during investigation in the disclosure statement of the co-accused. He is in custody since 26.02.2020. The trial of the case is likely to take long time. No useful purpose will be served by keeping the petitioner in further incarceration.

In view of the above, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, on furnishing bail bonds and surety bonds, to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

However, anything noticed hereinabove shall not be construed as an expression of opinion on the merits of the case.

15.07.2020

Jyoti-II

**(JITENDRA CHAUHAN)
JUDGE**

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No