

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-13794-2020

Date of Decision: 10.07.2020

Balwinder Singh @ Dony

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. Amit Arora , Advocate for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.

RAMENDRA JAIN, J. (ORAL)

Case has been taken up for hearing through video conferencing due to pandemic Covid-19.

Through this petition under Section 439 Cr.P.C., petitioner-Balwinder Singh @ Dony, has prayed for grant of regular bail in case FIR No. 58 dated 06.03.2020 registered under Section 27(A) of the NDPS Act at Police Station Jhabal, District Tarn Taran.

According to prosecution, petitioner was arrested on 12.03.2020, in case FIR No. 61 dated 12.03.2020, under Section 21 of the NDPS Act, Police Station Jhabal, District Tarn Taran, for having conscious possession of 5 grams of heroin, without any licence or permit. On interrogation, he was found to be habitual smuggler and, thus, was also booked in the instant case.

Learned counsel *inter alia* contended that petitioner was

enlarged on bail in the aforesaid FIR No. 61 dated 12.03.2020, in which he was arrested, whereas, in the instant case petitioner was booked on the basis of secret information. He was not apprehended at the spot. No recovery has been effected from him. He is in custody since 16.03.2020. Conclusion of trial may take a long time. No useful purpose would be served by detaining him in jail.

On the other hand, learned State counsel vehemently opposed the submissions of learned counsel for the petitioner.

Considering overall facts and circumstances, but without expressing any opinion on the merits of case, the petition is allowed. Consequently, petitioner-Balwinder Singh @ Dony, is ordered to be released on bail pending trial, if, not required in any other case, on his furnishing adequate bail and surety bonds to the satisfaction of trial Court/Duty Magistrate, concerned.

July 10, 2020
rishu

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No