

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

CRM-M-15715-2020 (O&M)
Date of Decision: August 10, 2020

BALWINDER SINGH @ BINDER

..... Petitioner(s)

Versus

STATE OF PUNJAB

..... Respondent(s)

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. K.S. Dadwal, Advocate
for the petitioner.

Mr. H.S. Sullar, DAG., Punjab.

LISA GILL, J.

This matter is being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

The petitioner prays for bail pending trial in FIR No.150, dated 02.07.2019 under Sections 21, 22 of the NDPS Act and 25 of the Arms Act, registered at Police Station Tanda, District Hoshiarpur.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this matter. Learned counsel for the petitioner contends that the alleged recovery is non-commercial i.e. 165 grams of intoxicant powder i.e. diacetylmorphine and 15 grams of heroin. It is further contended that in the year 2018-2019 a number of FIRs were registered

against the petitioner under Section 379-B, 323 and 307 IPC etc. in an absolutely illegal and malafide manner to victimize him. Now the petitioner has been falsely implicated in the present case under the NDPS Act. The petitioner, it is submitted, is on bail in all the other 7 FIRs registered against him, mostly in the years 2018-2019. The petitioner has been in custody in this case for over 1 year and 1 month. Challan in this case stands presented. No evidence has been led till date. It is, thus, prayed that this petition be allowed.

Learned counsel for the State on instructions from ASI Surjit Singh verifies that the petitioner is on bail in other cases registered against him. The petitioner is not involved in any other case under the NDPS Act except the present matter.

Due to outbreak of the pandemic COVID-19 much progress is not being made towards conclusion of the trial. Trial in this case is not likely to conclude in the near future. No useful purpose would be served by keeping the petitioner incarcerated any longer. There are no allegations on behalf of the State that the petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts before the Court, if released on bail.

Keeping in view the facts and circumstances of the case but without commenting upon or expressing any opinion on the merits thereof, this petition is allowed. The petitioner be released on bail pending trial subject to his furnishing requisite bail bonds and surety to the satisfaction of the learned Trial Court/Duty Magistrate.

It is made clear that in case, the petitioner is found to be involved in any other criminal case subsequent to his release, the State is at liberty to move an application for cancellation of bail granted to the petitioner in this case.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

August 10, 2020
Sunil

(LISA GILL)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No