

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-18473-2020 (O&M)
Date of decision: 30.07.2020

Balwinder Singh @ Binder

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. S.D.S. Bali, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.128 dated 19.07.2018 under Section 22 of NDPS Act, registered at Police Station Zira, District Ferozepur.

Learned counsel for the petitioner submits that as per allegations in the FIR, the police party apprehended the petitioner on suspicion and thereafter, a Gazetted Officer was called at the spot and in his presence, the recovery of 3180 tablets mark CLOVIDOL-100 SR, 260 tablets mark FORTADOL-DM and 420 tablets mark ALPRAZOLAM 0.5 was effected. It is further submitted that on 14.09.2018, the trial Court granted interim bail to the petitioner,

awaiting FSL report, in terms of the judgment in **Inderjeet Singh @ Laddi Vs. State of Punjab, 2014 (3) RCR (Cr1.) 953**. It is also submitted that thereafter, the petitioner was regularly appearing before the trial Court; challan was presented on 14.01.2019 and he was never taken in custody.

Learned counsel for the petitioner has referred to the zimni orders passed by the Judge, Special Court (Annexures P-3 to P-10), to submit that during this period, some prosecution witnesses were also examined and the petitioner regularly appeared before the trial Court in terms of the interim bail. It is next submitted that on 04.03.2020, all of a sudden, the trial Court realizing the fact that the petitioner is on interim bail and challan has already been presented way back on 14.01.2019, ordered to take him in custody. It is also submitted that only reason given in the order dated 04.03.2020 (Annexure P-11) is that recovery is of commercial nature, however, no arguments on merits were considered.

Learned State counsel has filed the custody certificate dated 29.07.2020 in the Court today and as per this custody certificate, the petitioner has undergone 06 months and 20 days of total sentence excluding the period, when he was on interim bail and is not involved in any other case.

Without commenting anything on merits of the case, considering the aforesaid facts and also in view of the fact that the petitioner was on interim bail for a period of two years; he never absented from the Court proceedings; he is not involved in any other case and during this period, prosecution witnesses were being recorded, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the

satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

30.07.2020

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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No