

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

CRM-M-27338-2020 (O&M)

Date of decision: 15.10.2020

Balbir Singh @ Birru

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. S.S. Brar, Advocate for the petitioner.

Mr. Sidakmeet Sandhu, AAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

The petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 82 dated 25.08.2019 registered under Sections 21, 29 of the NDPS Act (Section 15 of the NDPS Act was added later on), at Police Station Special Force Task (Jurisdiction at Moti Nagar, Ludhiana), District Ludhiana.

Learned counsel for the petitioner states that the petitioner is a labourer by profession and as per the allegations against him he was sitting on the rear seat of the car, which does not belong to him. The alleged recovery of 600 grams of *Heroin* and 210 kgs of *Poppy Husk*, on 25.08.2019 and 26.08.2019, respectively, has not been effected from him. The petitioner was accompanied with two other co-accused. Co-accused Dalbir Singh @ Nikka, owner of the factory, and Chunky Bawra, have already been granted

bail by the Coordinate Benches. The petitioner has been in custody for the last more than 1 year and 1 month.

Copy of custody certificate by way of affidavit dated 15.10.2020 of the Deputy Superintendent, Central Prison, Ludhiana, submitted by the learned State counsel through email, is taken on record. He points out that two other cases are pending against the petitioner and recovery of 210 Kgs of *Poppy Husk* was effected from the petitioner.

I have heard the learned counsel for the parties.

The petitioner has been in custody for 1 year, 1 month and 16 days and charges are yet to be framed. Moreover, two co-accused have already been granted bail. The trial will take time to conclude, especially due to prevailing situation of Covid-19. Thus, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

15.10.2020

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No