

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

CRM-M-29934-2020 (O&M)

Date of decision:01.10.2020

Balwinder Singh @ Binder

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present:- Mr. Gurmeet Singh Saini, Advocate
for the petitioner.

Mr. Parveen Kumar Aggarwal, DAG, Haryana.

SANT PARKASH, J. (ORAL)

The aforesaid presence is being recorded through video conferencing since the proceedings are being conducted in virtual court.

The present petition has been filed under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 157 dated 26.05.2020 registered under Sections 22 of the Narcotic Drugs and Psychotropic Substances Act IPC, 1985 and 188 of the Indian Penal Code, registered at Police Station Sadar Sirsa, District Sirsa.

The facts of the present case are that two persons namely Bhagwan Dass and Rajender Kumar were apprehended with a cloth bag carried by Rajender Kumar by the police party at T-Point Mallekan having suspicion of some Narcotic substance. Notices under Section 50 of the NDPS Act were served upon the accused. After receiving their

replies, the said cloth bag was checked in the presence of a Gazetted Officer which led to recovery of 2000 intoxicating capsules marka Ridley PARVORIN-SPAS. On interrogation, both the persons disclosed that they purchased the contraband from Balwinder Singh @ Binder (petitioner herein). He was arrested on 07.07.2020.

Learned counsel for the petitioner states that the allegations against the petitioner are false and frivolous. Neither any recovery was effected from the petitioner nor he was present at the spot. He has been arrayed as accused merely on the basis of disclosure statements suffered by the co-accused.

Opposing the contentions, learned counsel for the State prayed for dismissal of the bail application. The quantity recovered from the co-accused is commercial in nature. However, custody period of the petitioner has not been disputed by learned State counsel.

I have heard learned counsel for the parties and perused the record.

As per the allegations of the prosecution itself, the present petitioner was not apprehended at the spot with the contraband. His name suffered only in the disclosure statement of the co-accused, from whom the recovery was effected. Admittedly, the petitioner is in judicial custody since 07.07.2020 and is not required for any further investigational purposes. No useful purpose would be served by

keeping him in custody any longer.

Taking into consideration the totality of facts and circumstances of the case, the instant petition is allowed and the petitioner is ordered to be released on bail on his furnishing adequate surety/bail bonds to the satisfaction of the trial Court/ Chief Judicial Magistrate/Duty Magistrate concerned.

01.10.2020

Mehak

(SANT PARKASH)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No