

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

**CRM-M-31634-2020
Date of decision: 25.11.2020**

Balvir Singh @ Bhola

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Brijeshwar Singh Bhalla, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 73 dated 22.06.2020, registered under Sections 22 and 25 of the NDPS Act, 1985 at Police Station Sadar Moga, District Moga.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case as an earlier occasion, the petitioner has got FIR No. 27 dated 12.04.2019, under Sections 355, 427, 148 of the IPC at the same police station against one Malkit Singh @ Shera and he manipulated the involvement of the petitioner in the present FIR.

Learned counsel further submits that petitioner has moved an application before the trial Court for preserving the call details to show that at the alleged time, shown in the FIR, he was not present at the spot and his presence was somewhere else. It is further submitted that said application has been allowed by the trial Court and the petitioner will lead the defence evidence in this regard that he has falsely been implicated.

Learned State counsel has opposed the bail on the ground that recovery effected from the petitioner is of 850 intoxicant tablets, however, it is not disputed that petitioner is a first offender and he is not involved in any other case.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that petitioner is in judicial custody since 02.07.2020; he is not involved in any other case and also in view of the fact that conclusion of trial is likely to take a long time, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate, concerned.

25.11.2020

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No