

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

-:-

CRM-M-41590-2020

Date of decision : 16.12.2020.

BALJIT SINGH

.....Petitioner

Vs.

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Deepanjay Sharma, Advocate for the petitioner.

Mr. Ramandeep Sandhu, Senior DAG, Punjab.

ALKA SARIN, J. (ORAL)

Heard through video conferencing.

The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.41 dated 29.05.2017 under Sections 15 and 25 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Badhni Kalan, District Moga.

As per the allegations in the FIR, 15 bags each containing 35 kg of poppy husk were recovered from a tempo which was signalled to stop by the police party. The co-accused Harjinder Singh was alleged to be driving the tempo and the present petitioner is stated to have been sitting along with the said Harjinder Singh.

Learned counsel for the petitioner contends that the first petition filed by the petitioner was dismissed in the year 2018 and, thereafter, vide order dated 27.11.2020 passed in CRM-M-30129-2020 the son of the petitioner Harjinder Singh, who is alleged to have been driving the tempo from where the alleged recovery was made, has since

been admitted to bail by this Court. It is further contended that the petitioner has falsely been implicated in the case and that the Investigating Officer in the present case is a tainted official who is involved in another FIR in which he is facing trial. The learned counsel would further contend that no independent witness was joined though the checking is alleged to have taken place at 7.00 pm and there was usual traffic on the road at that time. It is further stated that all the prosecution witnesses have been examined. It is further the contention of the learned counsel for the petitioner that the petitioner is in custody for the last 03 years 06 months and 14 days.

Learned State counsel has filed the custody certificate wherein it has been stated that petitioner has since been in custody for the last 03 years 06 months and 14 days and there is no other case pending against the petitioner.

I have heard learned counsel for the parties.

Even though the recovery in the present case is commercial in nature, however, keeping in view the fact that similarly situated co-accused has since been granted bail by this Court vide order dated 27.11.2020, on the ground of parity alone, the petitioner would be entitled to the benefit of regular bail. Further, it is to be noted that petitioner is behind the bars for a period of 03 years 06 months and 14 days and there is no other case pending against the petitioner.

Without commenting on the merits of the case and keeping in view the fact that the trial is unlikely to conclude in the near future in view of the current scenario in the wake of the outbreak of the COVID-19 pandemic, I deem this to be a fit case to direct the release of the petitioner on regular bail subject to his furnishing bail bonds/surety bonds

to the satisfaction of the Chief Judicial Magistrate/Trial Court/Duty Magistrate concerned.

It is, however, made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case. However, the Prosecution shall always be at liberty to get the bail cancelled in case the petitioner is found to be misusing the concession of bail in any manner.

Disposed off, accordingly.

December 16, 2020
kv

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Yes/No
 Whether reportable: Yes/No