

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

217

CRM-M-2240-2021

Date of Decision: 12.11.2021

BALJINDER SINGH ALIAS MONTY ARORA

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Dr. Anmol Rattan Sidhu, Sr. Advocate with
Mr. Raghav Gulati, Advocate and
Ms. Aman Parhar, Advocate
for the petitioner.

Mr. H.S.Multani, AAG, Punjab.

HARNARESH SINGH GILL, J.(Oral)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.44 dated 03.06.2020 registered under Sections 22 and 29 NDPS Act, 1985 at Police Station Mehna Moga, District Moga.

Learned Senior counsel for the petitioner states that there was non-compliance of the mandatory provisions of Sections 42, 50 and 52 of the NDPS Act, inasmuch as, no independent witness/gazetted officer was joined at the time of effecting the alleged recovery; that the petitioner has been in custody since 03.06.2020; that there is no other case registered or pending against the petitioner and that as the co-accused have already been granted the concession of regular/anticipatory bail, the petitioner may also be granted such concession, on the ground of parity.

On the other hand, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute the custody period of the petitioner as well as the factum of the co-accused being on bail. He submits that out of 18 prosecution witnesses, only one has been examined, so far.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 03.06.2020. There is no other case registered or pending against the petitioner. Prosecution witnesses are yet to be examined. Moreover, the co-accused have already been enlarged on bail. Trial of the case would take time to conclude. Therefore, 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 present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

12.11.2021

Renu Rawat

(HARNARESH SINGH GILL)
JUDGE

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>