

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

CRM-M-2415 of 2021

DATE OF DECISION :- March 25, 2021

Balkar Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present:- Mr. Guninder Singh Brar, Advocate for the petitioner.

Mr. J.S. Ghuman, DAG, Punjab.

Custody certificate filed by the State counsel be taken on record.

This petition for regular bail has been filed by petitioner Balkar Singh son of Gurjeet Singh, aged about 26 years, resident of village Mohar Singh Wala, Tehsil and District Mansa, an accused in F.I.R. No. 199 dated 10.12.2020 registered with Police Station City 1 Mansa, District Mansa for offences under Sections 18, 21, 25, 29 of the NDPS Act (Section 25 of the NDPS Act added later on).

Briefly stated the prosecution story is that on 10.12.2020, Mange Ram and present petitioner Balkar Singh were intercepted by the police party and on being searched Mange Ram was found in possession of 100 gm of opium and Balkar Singh was found in possession of 90 gm of opium. They were arrested in this case. The recovered contraband was taken into possession by the police.

On completion of investigation, the challan against them has been filed in the Court. As stated by the learned State counsel, the charge is yet to be framed in this case and 17 PWs have been cited by the prosecution.

The petitioner had filed petition for regular bail before Judge, Special Court, Mansa but the same was dismissed vide order dated 7.1.2021, as such he has knocked at the door of this Court craving for grant of similar relief.

I have heard learned counsel for the petitioner and learned State counsel besides going through the record.

Learned counsel for the petitioner states that recovery involved in this case is on very low side i.e. 90 gm opium only; the petitioner does not have any past criminal record; co-accused of the present petitioner namely Bittu Kumar has been granted pre-arrest bail by this Court; the petitioner is behind bars since for the last more than three months, as such he be released on bail. Though learned State counsel has opposed the request, however, keeping in view the facts and circumstances of the case, the quantity of contraband recovered, the period of which the petitioner is behind bars and the fact that the trial is at the initial stage and its conclusion is likely to take some time, I find it a fit case for grant of regular bail.

Therefore, petitioner Balkar Singh is ordered to be released on bail on his furnishing bail bond and surety bond to the satisfaction of the learned trial Court/CJM/Duty Magistrate, Mansa subject to the following conditions :-

- (i) he shall appear in the Court on each and every date of hearing.
- (ii) he shall not give any threat or intimidation to the prosecution witnesses.

- (iii) he shall not leave India without prior permission of the Court and shall surrender his Passport, if he has got one, otherwise to furnish affidavit in that regard.
- (iv) he shall not indulge in any criminal activity.
- (v) he shall join the investigation as and when directed by the Investigating Officer.

In case the petitioner violates any term and condition on which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of bail.

(H.S. MADAAN)
JUDGE

March 25, 2021
p.singh

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No