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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-11577-2021 (O&M)
Date of decision-21.12.2021

Baljinder Singh @ Bind

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Ms. Riffi Birla, Advocate for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.80 dated 12.06.2016 registered under Sections 307, 188 and 34 Indian Penal Code, 1860, Sections 25 and 27 Arms Act, 1959, Section 21 Narcotic Drugs and Psychotropic Substances Act, 1985 and Section 4 and 34 I P Act, 1920 (Section 3(2) (A) Passport Act, 1965 added later on) at Police Station Sadar Fazilka. The petitioner is in custody since his arrest on 12.06.2016.

The contents of the FIR as noticed by the Judge, Special Court, Fazilka in his order dated 06.08.2019 are as under:-

“As per the FIR, the applicant/accused alongwith his

co-accused were found in possession of 600 Grams Heroin. The applicant/accused could not show any license or permit for keeping the same in his possession.”

Learned counsel for the petitioner has argued that the petitioner is in custody for a long time, but the trial is yet to conclude, therefore, he be released on regular bail.

On the other hand, learned State counsel assisted by ASI Vapin Kumar has opposed the prayed on the ground that 2 k.g. heroin recovered from the petitioner would fall under commercial quantity and the prosecution has already examined entire evidence and the same was closed on 04.03.2020. He on instructions further states that the case is being adjourned for adducing the defence evidence.

This fact is not disputed by learned counsel for the petitioner that the case is at the last stage of defence evidence.

Considering the nature and quantity of the contraband and without expressing any opinion on the merits of the case, this Court does not find it to be a fit case to extend the concession of regular bail to the petitioner.

Dismissed.

(MANOJ BAJAJ)
JUDGE

21.12.2021

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Whether speaking/reasoned :
Whether Reportable :

Yes	No
Yes	No