

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

CRM-M-18369-2021

Date of decision:28.09.2021

Balwinder Singh

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Bikramjeet Singh Jatana, Advocate for the petitioner.

Mr. H.S. Sitta, AAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Custody certificate, by way of an affidavit dated 27.09.2021 of Deputy Superintendent, District Jail, Mansa, filed in the Court, is taken on record.

Through this third petition under Section 439 Cr.P.C., the petitioner seeks regular bail in case bearing FIR No.20 dated 20.02.2019 registered under Sections 22 and 25 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station City Budhlada, District Mansa.

Learned counsel for the petitioner states that the alleged recovery effected from a bag placed on the motorcycle allegedly in the possession of the petitioner and co-accused Sukhpreet Singh, falls under the commercial quantity. It is further submitted that co-accused Sukhpreet Singh, owner of the said motorcycle, has already been granted regular bail by a Coordinate Bench of this Court vide order dated 03.12.2019 (Annexure P-2). The challan has already been presented. The petitioner has been in custody for the last 02 years, 05 months and 26 days and there is no other case pending or registered against him. It is further submitted that vide order dated 20.07.2021 passed by a Coordinate Bench of this Court, the petitioner was granted interim bail on medical ground for a period of six weeks as the trial was moving at a snail's pace. It is further submitted that after having availed the concession of interim regular bail, the

petitioner has already surrendered before the jail authorities.

Learned State counsel, while opposing the prayer for grant of regular bail, does not dispute the aforesaid facts. However, he submits that out of 7 prosecution witnesses, 6 witnesses have been examined.

I have heard the learned counsel for the parties.

In the present case, the alleged recovery effected from a bag placed on the motorcycle falls under the commercial quantity. Co-accused Sukhpreet Singh, owner of the said motorcycle, has already been granted regular bail by a Coordinate Bench of this Court vide order dated 03.12.2019. The challan has already been presented. The petitioner has been in custody for the last 02 years, 05 months and 26 days and there is no other case pending or registered against him. It is not disputed that the petitioner while availing the concession of interim regular bail granted by the Coordinate Bench, did not misuse the said concession and has since surrendered before the jail authorities. 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.

28.09.2021

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(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No