

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

(PROCEEDINGS THROUGH V.C.)

207

CRM-M-22020-2021

Date of decision : 29.11.2021

Balwinder Singh @ Ladda

Petitioner

V/S

State of Punjab

Respondent

CORAM : HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr. Ruhani Chadha, Advocate
for the petitioner.

Mr. C.L. Pawar, Senior Deputy Advocate General, Punjab
for the respondent-State.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.275 dated 22.09.2018 registered under Sections 15 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act') at Police Station Sultanpur Lodhi, District Kapurthala.

Brief facts of the case are that the police received secret information on 22.09.2018 that Ranjit Singh @ Rania, Binder and Kala after forming a gang used to bring poppy husk from Jammu and Kashmir in truck after concealing the same under the Apple boxes and delivering the same to Balwinder Singh @ Ladda (the petitioner) and their other customers. When the raid was conducted at the disclosed place, the accused were fled from the spot. On search, 24 bags each containing 20 Kgs. poppy husk were recovered from the truck.

Reply by way of affidavit dated 27.11.2021 of Sh. Sarwan Singh Bal, PPS, Deputy Superintendent of Police, Sub Division Sultanpur Lodhi, District Kaputhala and custody certificate of the petitioner have been received which are taken on record.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. The petitioner was not apprehended on the spot. The petitioner is not involved in any other case under the NDPS Act. The petitioner was in custody since 29.04.2021. The trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. Co-accused Kala Singh, Ranjit Singh and Binder Singh @ Balwinder Singh have been granted regular bail by this Court vide orders dated 09.12.2019, 22.01.2020 and 03.03.2021 respectively. Therefore, the petitioner may be released on regular bail.

On the other hand, learned State counsel has opposed the present petition on the grounds that the petitioner along with his co-accused has committed a serious offence. Challan has already been presented but charges are yet to be framed.

Keeping in view the facts and circumstances of the case, the fact that the petitioner was not arrested on the spot, recovery was not made from him, he is not involved in any other case under the NDPS Act and parity with co-accused Kala Singh, Ranjit Singh and Binder Singh @ Balwinder Singh but without commenting on merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Therefore, the petition is allowed and the petitioner-
Balwinder Singh @ Ladda is ordered to be released on regular bail on
furnishing of bail bonds to the satisfaction of the trial Court/Chief
Judicial Magistrate concerned.

29.11.2021

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(ASHOK KUMAR VERMA)
JUDGE

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