

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.22246 of 2020
Date of Decision: October 25, 2021

Balwinder Singh alias Binder

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr.J.S.Sandhu, Advocate,
for the petitioner.

Mr.Ramdeep Partap Singh, DAG, Punjab.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.39 dated 31.03.2020, under Section 22 N.D.P.S.Act, 1985, registered at Police Station, Phul, District Bathinda, who is in custody since his arrest on 31.03.2020.

As per the FIR, 1770 tablets of Clovidol-100 SR were recovered on 31.03.2020 from the possession of the accused without any permit or licence.

Learned counsel for the petitioner has argued that the investigation of the case is complete and even the charges have been framed in January, 2021, but the trial is yet to commence. He submits that as the petitioner is not involved in any other case of similar nature, therefore, he be released on bail.

On the other hand, the prayer is opposed by the learned State counsel, assisted by ASI Jaswinder Singh, on the ground that the recovered

contraband falls within the ambit of commercial quantity. He has produced the custody certificate of the petitioner by way of affidavit of Bhupinder Singh, PPS, Deputy Superintendent, Central Jail, Bathinda, which indicates that the petitioner is not involved in any other case.

After hearing the learned counsel for the parties and considering the above background, this court finds that the trial is yet to commence and as the petitioner is not involved in any other case, therefore, considering his period of custody, this court does not find any reason to decline the prayer, particularly when the prosecution witnesses are the police officials and there is no possibility of their being won over.

Resultantly, without meaning any expression of opinion on the merits of the case, the petition is allowed and it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate, Bathinda.

October 25, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No