

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

**CRM-M-53964-2019
Date of decision : 24.09.2021**

BALJINDER SINGH

.....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

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

Mr. Avtar Singh Sandhu, Addl. AG, Punjab.

-*-

HARNARESH SINGH GILL , J (ORAL)

Case is taken up for hearing through video conferencing.

Status report by way of affidavit dated 21.09.2021 of Deputy
Superintendent of Police, Sub-Division Rampura Phul, District Bhatinda,
filed on behalf of respondent-State, through e-mail, is taken on record.

Custody certificate by way of affidavit of Additional
Superintendent, Central Jail, Bathinda dated 23.09.2021 filed through e-

mail, same is taken on record.

Prayer in this petition is for grant of regular bail in case FIR No. 26 dated 22.05.2019 under Section 22 of NDPS Act, 1985, registered at Police Station Sadar Rampura, District Bathinda.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and there is no independent witness in the present case. He further submits that the petitioner has been in custody for more than 02 years 03 months and there is no other NDPS case against the petitioner.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel submits that the recovery effected from the petitioner is of a commercial quantity and out of 12 witnesses, 03 witnesses have been examined so far. However, he does not dispute the custody of the petitioner and the fact that there is no other NDPS case against the petitioner.

I have heard the learned counsel for the parties.

Though the recovery effected from the petitioner is of commercial quantity yet keeping in view the fact that he has been in custody for the last more than 02 years 03 months and there is no other NDPS case against the petitioner and even 09 prosecution witnesses are yet to be examined, 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.

(HARNARESH SINGH GILL)
JUDGE

24.09.2021
tarun

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No