

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

220

CRM-M-5639-2022 (O&M)

Date of Decision: 07.07.2022

BALWINDER GIR @ GARI @ VIJAY

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Fariad Singh Virk, Advocate
for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

HARNARESH SINGH GILL, J.(Oral)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.255 dated 17.11.2021, registered under Sections 22 and 29 of the NDPS Act and 411 IPC, at Police Station Samana, District Patiala.

Learned counsel for the petitioner submits that the petitioner has not been named in the FIR; that no recovery was effected from the petitioner; that the alleged recovery has already been effected from the co-accused and that the petitioner has been in custody since 23.11.2021. He further submits that there is no other case registered and/or pending against the petitioner, at least of a similar nature.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute the custody period of the petitioner and the fact that no recovery was effected from the petitioner. He, however, submits that post presentation of the challan, charge(s) is yet to be framed.

I have heard the learned counsel for the parties.

The petitioner has not been named in the FIR, who has been in custody since 23.11.2021. No recovery was effected from the petitioner. There is no other case registered and/or pending against the petitioner, at least of a similar nature. Charge(s) is yet to be framed and prosecution evidence is to commence. In such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above and without commenting anything on the merits of the case, 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/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

07.07.2022

Aman Jain

(HARNARESH SINGH GILL)

JUDGE

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*