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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-18154-2022 (O&M)
Date of decision: 16.05.2022

Balinder

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Suresh Ahlawat, Advocate
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

CRM-17905-2022

For the reasons stated in the application, same is allowed and correct translated copy of FIR No.13 is taken on record.

CRM stands disposed of.

CRM-M-18154-2022

Prayer in this 2nd petition is for grant of regular bail in FIR No.13 dated 11.01.2020 under Sections 21, 22(c)/61/85 of NDPS Act, registered at Police Station Sadar Jind, District Jind; earlier one was dismissed as withdrawn on 31.08.2021.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of ASI Ranbir Singh, while on patrol duty, he received a secret information that Balinder (petitioner) is indulged in the business of selling intoxicant substance and is coming in a car and if a barrier is put, he can be apprehended with some intoxicant substance. Thereafter, police party put up a barrier and the car driven by the petitioner was stopped. After verifying identity of the petitioner, notice under Section 50 of NDPS Act was given to him and by calling a Gazetted Officer at the spot, search of the car was conducted and 1.35 kg of heroin in two bags was recovered.

Learned counsel has argued that the petitioner is first offender; he is in custody for the last 01 year, 10 months and 16 days; he is not involved in any other case and the case is at initial stage. It is further submitted that it will be a matter of trial whether proper procedure under Section 42 & 50 of NDPS Act was complied with by the investigating agency or not. It is also submitted that the petitioner is sole bread-earner of his family; he has two minor children and there is no one in the family to take care of them, as his parents have already died. It is next submitted that the petitioner was granted interim bail on 01.07.2020 awaiting FSL report and after availing the same, he surrendered back in time and in the intervening period, he has not misused the concession.

Learned State counsel has filed the custody certificate in the Court today and has not disputed the factual position, however, it is submitted that out of total 19 prosecution witnesses, 02 PWs have already been examined and the trial was delayed substantially due to COVID-19 situation.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering aforesaid facts and circumstances of the case, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

16.05.2022
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No