

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-20711-2022 (O&M)

Date of Decision:-16.9.2022

Balwinder Ram @ Bindu

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Amit Choudhary, Advocate for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by ASI Gurpal Singh.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.91, dated 11.3.2018, Police Station Sadar Fatehabad, District Fatehabad, under Section 22-B of Narcotic Drugs and Psychotropic Substances Act, 1985 and Section 18 of Drug and Cosmetic Act.
2. As per the FIR, the petitioner was found in possession of 10 injections of 'Omgesic Buprenorphine'.
3. The petitioner had been granted bail vide order dated 15.5.2018 (Annexure P-2) passed by learned Additional Sessions Judge, Fatehabad. However, subsequently the petitioner jumped bail on 11.4.2019. Later he came to be involved in another case i.e. in FIR No.34, dated 20.2.2019, Police Station

Sardulgarh, District Mansa, under Sections 22 and 25 of Narcotic Drugs and Psychotropic Substances Act, 1985, in which he was arrested on 14.8.2019. Subsequently, he was produced in the present case through production warrants on 16.12.2019. In other words, the petitioner has remained absconding w.e.f. 11.4.2019 to 14.8.2019, when he came to be arrested in connection with another case.

4. The petitioner after his arrest on 14.8.2019 has been behind bars continuously i.e. for about more than 3 years. As on date only 2 PWs out of the cited 20 PWs have been examined. It will be debatable as to whether the recovered contraband i.e. 20 mls. of 'Buprenorphine' will fall in the category of 'commercial' quantity or not.
5. During the course of argument, it has been informed by learned State counsel that the petitioner had been involved in 11 other cases out of which he stands acquitted in 10 cases and that 1 case under NDPS Act is still pending.
6. In any case, having regard to the fact that the petitioner has been behind bars for a substantial period of more than 3 years and conclusion of trial is likely to consume time inasmuch as only 2 PWs out of the cited 20 PWs have been examined so far, the petition is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

16.9.2022

geeta

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No