

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

CRM-M-30810-2022 (O&M)

Date of Decision:-**03.08.2022**

BALWINDER SINGH ALIAS BHINDA

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

-.-

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

-.-

Present:- Mr. Gurpal Singh Sandhu,, Advocate
for the petitioner.

Ms. Samina Dhir, DAG, Punjab.

-.-

KARAMJIT SINGH, J. (Oral)

Prayer is for grant of regular bail in case having FIR No.23 dated 4.2.2021 registered under Section 21(b) of NDPS Act at Police Station City Sri Muktsar Sahib District Sri Muktsar Sahib.

Notice of motion.

On the asking of the Court, Ms. Samina Dhir, DAG, accepts notice on behalf of State of Punjab and custody certificate furnished by learned State counsel is taken on record, as per which the custody of the petitioner comes out to be about 1 year and 6 months.

The counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and as per the allegations appearing on the record 6 grams of heroin and currency note worth ₹500/- were recovered from his possession by the police on 4.2.2021 and since then the petitioner is languishing behind the bars. The counsel further contends that the petitioner is also facing other cases under NDPS Act but in all those cases has been granted benefit of bail. The counsel further submits that it will take considerable time for trial to conclude and prayed that the petitioner be granted concession of regular bail.

The present petition has been contested by the State counsel, who submitted that apart from the present case, the petitioner is involved in number of other cases under NDPS Act as is evident from the custody certificate, which has been furnished today. State counsel on instructions from ASI Lakhwinder Singh has not disputed the fact that in all the other cases registered under NDPS Act, the petitioner is on bail.

I have considered the submissions made by counsel for the petitioner as well as by State counsel.

The recovery of 6 grams of heroin is alleged to have been effected from the petitioner comes under non-commercial quantity and thus is not covered by embargo provided under Section 37 of NDPS Act. Admittedly the petitioner is in custody for the last about 1 year and 6 months and is on bail in all the other cases registered against him under NDPS Act.

Keeping in view facts and circumstances mentioned above, no fruitful purpose is going to be served even if the petitioner is kept in judicial custody for indefinite period. Thus without commenting on the merits of the

case, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate concerned.

03.08.2022
Gaurav Sorot

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No