

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

**CRM-M-36171-2021 (O&M)
Date of decision: 11.01.2022**

Baltej Singh @ Babbu

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. D.S. Bhinder, Advocate for the petitioner.

Mr. Rahul Mohan, DAG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Through this petition, the petitioner seeks regular bail in case bearing FIR No.137 dated 14.06.2021, under Section 18(b) and Sections 27-A and 29 (added later on) of the NDPS Act, 1985, registered at Police Station Guhla, District Kaithal, Haryana.

Status report by way of affidavit dated 26.11.2021 of the Deputy Superintendent of Police, Guhla, already filed in the Registry, is taken on record.

Learned counsel for the petitioner submits that the petitioner was indicted on the basis of the disclosure statement of the co-accused; that no recovery has been effected from the petitioner; that there is no other case

registered or pending against the petitioner and that the petitioner has been in custody since 24.06.2021.

Learned State counsel, while vehemently opposing the prayer for bail submits that an amount of Rs. 20,000/- was paid by the petitioner to the main accused for the purchase of *Opium* and one mobile phone was also recovered from him. However, he does not dispute the custody period of the petitioner and the factum that there is no other pending or decided case against the petitioner. He submits that the prosecution has moved an application for extension of time to file the challan.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 24.06.2021. The only allegation against the petitioner is that he had paid an amount of Rs. 20,000/- as an advance for the purchase of the contraband. Challan is yet to be presented. The conclusion of the trial would taken a long time. Moreover, there is no other pending or decided case against the petitioner. Hence, 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 petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

11.01.2022

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No