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

Date of Decision: 24.03.2023

1. CRM-M-4870-2022 (O&M)

Baljinder Singh @ Bindi

.. Petitioner

Vs.

State of Punjab

..Respondent

AND

2. CRM-M-46902-2021 (O&M)

Raj Singh @ Raju

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Karandeep S. Sidhu, Advocate for
Mr. Anil Kumar, Advocate for the petitioner
in CRM-M-4870-2022.

Mr. Karanjit S. Brar, Advocate
for the petitioner in CRM-M-46902-2021.

Ms. Jasleen Kaur Sidhu, DAG, Punjab.

...

Manoj Bajaj, J. (Oral)

Petitioners have filed these separate petitions for grant of regular bail under Section 439 Cr.P.C, pending trial in case FIR No.76 dated 09.08.2020 registered under Sections 22/29/61/85 NDPS Act at Police Station Lakho Ke Behram, District Firozepur. The petitioners are in custody since their arrest on 09.08.2020.

The FIR was registered on the basis of a secret information and the allegations as noticed by the Ld. Judge, Special Court, Ferozepur in the order dated 11.12.2020 are as under:

“Brief facts of the case are that the present FIR has been registered against the present accused/applicant and Raj Singh alias Raju son of Mangat Singh on the basis of secret information with the allegations that accused Raj Singh alias Raju and accused/applicant Baljinder Singh alias Bindi indulge in sale of intoxicant tablets, who are coming on Honda City car bearing No. DL-4C-AB-4971 on Ferozepur Fazilka road via Guruharsahai to sell intoxicant tablets at bus stand of village Guddar Dhandi and if they are apprehended, heavy quantity of intoxicant tablets can be recovered from their possession. Accordingly, the present FIR was registered and thereafter barricading was conducted on link road leading from Guddar Dhandi to Guruharsahai, where accused/applicant alongwith accused Raj Singh alias Raju came on the above said car and were apprehended by the police party and upon search of the car of the accused persons in presence of Gazetted Officer, 56 boxes each containing 50/50 strips each containing 10 tablets of Clovidol100 SR totalling 28000 intoxicant tablets were recovered. Thereafter mandatory provisions of NDPS Act were complied with and both the accused persons were arrested. Thus, accused/applicant has filed the present bail application.”

Learned counsel for the petitioner(s) have argued that the petitioners are in custody for a long time and they are not involved in any other case. According to them, after completion of investigation, the charges were framed on 16.03.2021, but till date only four prosecution witnesses have been examined out of total eleven witnesses. They pray for regular bail.

Learned State counsel assisted by ASI Gurkanwal Jeet Kaur, has opposed the prayer on the ground that the recovered contraband (28000 tablets) falls within the ambit of commercial quantity. She, on instructions, further states that the charges in this case were framed on 16.03.2021, and only seven prosecution witnesses remain to be examined and the next date of hearing for recording prosecution witnesses is 28.03.2023.

Upon hearing the learned counsel and considering the above background, this Court is of the opinion that the trial is likely to conclude in near future, as only seven prosecution witnesses remain to be examined and the case is now fixed before the trial Court for the said purpose on 28.03.2023.

Resultantly, this Court without meaning any expression of opinion on the merits of this case, does not find it to be a fit case for releasing the petitioners on regular bail at this stage.

Dismissed.

24.03.2023
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No