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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-16423-2022
DECIDED ON: 10.04.2023

BALBIR SINGH @ BEERA

PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Harjinder Singh, Advocate for
Mr. Satwant Mehta, Advocate
for the petitioner.

Mr. Mohit Chaudhary, AAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

This is a petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.318 dated 06.12.2012 under Section 22 NDPS Act, 1985, registered at Police Station Patti, District Tarn Taran.

Learned counsel for the petitioner has been falsely implicated in the instant case and contends that quantity alleged to have been recovered is non-commercial in nature i.e. 1500 Microlit tablets containing Diphenoxylate.

On the other hand, learned State counsel on instructions from Lakhwinder Singh submits that the petitioner was released on regular bail but in the absence of plausible explanation, he was declared proclaimed person vide order dated 09.12.2016. The petitioner thereafter, surrendered back after a lapse of six years and was re-arrested on 17.12.2021.

Further, it is contended that the petitioner is in custody since then

without any default and the recovery as has been alleged in the FIR is non-commercial in nature.

In the light of the aforesaid discussions, the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Gurugram.

The present petition is, hereby, allowed.

However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

10.04.2023
pchawla

(SANDEEP MOUDGIL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>