

CRM-14846-2023 in /and
CRM-M-17220-2021

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2023:PHHC:053043

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-14846-2023 in /and
CRM-M-17220-2021

Date of Decision: 17.04.2023

Balwinder Singh @ Fauji

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. B.S. Sra, Advocate for the petitioner.

Mr. Jaspal Singh Guru, AAG, Punjab.

ASHOK KUMAR VERMA, J. (ORAL)

CRM-14846-2023

Application is allowed as prayed for.

Copies of Zimni orders as well as FSL report dated 08.03.2021 are taken on record as Annexures P-3 and P-4, respectively, subject to all just exceptions.

CRM-M-17220-2021

Custody certificate dated 16.04.2023, filed by learned counsel for the State is taken on record.

The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No. 06 dated 26.01.2021 registered under Section 22(c) of the NDPS

Act at Police Station Sangat, District Bathinda.

According to the prosecution story, on 26.01.2021 the petitioner was apprehended by the police for having kept in his conscious possession 400 strips each containing 10 tablets labelled as Tero-100 SR containing salt Tramadol Hydrochloride i.e. 4000 tablets, without any permit or licence.

Learned counsel for the petitioner, *inter alia*, contends that the petitioner has falsely been implicated in the instant case and no such recovery was effected from him, rather the same was planted upon him. He further contends that petitioner is not involved in any other case under the NDPS Act. Learned counsel contends that as per last zimni order dated 17.03.2023, passed by the trial Court, out of total 13 prosecution witnesses, only 01 witness has been examined, so far. Petitioner is in custody since 26.01.2021. Trial is likely to take time and no purpose will be served by keeping the petitioner in custody. Thus, it is prayed that considering the long custody period of the petitioner, he may be released on regular bail.

On the other land, learned State Counsel has opposed the submission made by learned counsel for the petitioner. However, learned counsel for the State has fairly conceded the fact that the petitioner is not involved in any other case under the NDPS Act.

I have heard learned counsel for the parties and carefully gone through the record.

Keeping in view the facts and circumstances of the case, long custody period of the petitioner and also the fact that petitioner is not involved in any other case under the NDPS Act, but without commenting

on the merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Accordingly, the present petition is allowed and petitioner-Balwinder Singh @ Fauji, is ordered to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/ Chief Judicial Magistrate, concerned.

However, the State will be at liberty to file application for cancellation of petitioner's bail, if he is found involved in any other case under the NDPS Act, during the period of bail.

17.04.2023
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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No