

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

218

CRM-M-18771-2023 (O&M)

Date of Decision: 21.07.2023

BALJINDER SINGH @ JINDA

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Amandeep Chhabra, Advocate
for the petitioner.

Mr. Gurdarshan Singh Sidhu, AAG, Punjab.

HARNARESH SINGH GILL, J.(Oral)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.39 dated 14.03.2021, registered under Sections 22 (c) and 29 of the NDPS Act, at Police Station Talwandi Sabo, District Bathinda, Punjab.

Learned counsel for the petitioner submits that the allegation against the petitioner is that he was apprehended at the spot along with a motorcycle and 3500 intoxicant tablets; that on the basis of disclosure statement of the petitioner, co-accused, namely, Mandeep Singh was arrested; that the petitioner has been in custody since 14.03.2021 and that though the recovery effected in the present case is a commercial quantity, yet the fact remains that out of total 15 prosecution witnesses, none has been examined. He further submits that there is no other case registered and/or pending against the petitioner.

In support of his contentions, learned counsel for the

petitioner relies upon the order dated 22.08.2022 passed by the Hon'ble Supreme Court in Special leave to Appeal (Crl.) No.5530/2022 titled as Mohammad Salman Hanif Shaikh vs State of Gujarat.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute the custody period of the petitioner. He, however, submits that a huge recovery of 3500 intoxicant tablets was effected from the petitioner, which falls under a commercial quantity and Section 37 of the NDPS Act bars the grant of bail to the accused persons involved in commercial quantity cases. He further submits that post framing of the charges, the prosecution evidence is yet to commence.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 14.03.2021. There is no other case registered against the petitioner. Recovery has already been effected. There are total 15 prosecution witnesses and the prosecution evidence is yet to commence. In such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above and without commenting anything on the merits of the case, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

21.07.2023

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*