

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-23078-2023
Date of Decision: May 12, 2023

BALWINDER SINGH @ BALLU Petitioner
Versus
STATE OF PUNJAB Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Brijesh Nandan, Advocate for the petitioner.
Mr. Amit Shukla, AAG, Punjab.

HARKESH MANUJA, J. (ORAL)

1. By way of present petition filed under Section 439 CrPC, prayer has been made for grant of bail in case FIR No.54 dated 23.02.2020 registered under Sections 21, 61 and 85 of Narcotic Drugs and Psychotropic Substances Act, 1985 at P.S. E Division, District Amrtisar.
2. As per the allegations levelled in the FIR, the petitioner was found involved in recovery of 6 grams of heroin.
3. Learned counsel for the petitioner submits that the petitioner was initially granted bail and was regularly appearing before trial Court, however, he was declared as proclaimed offender vide order dated 06.12.2022 on account of his non-appearance followed by his arrest on 16.02.2023 and since then he is behind the bars. Learned counsel further submits that recovery was non-commercial in nature and on account of his non-appearance, he has already suffered incarceration for a period of three months now.

4. On the other hand, learned State counsel submits that the petitioner is a habitual offender as there are two more cases of NDPS against him wherein the petitioner is on bail.
5. I have heard learned counsel for the parties and gone through the paper-book. I find substance in the submissions made on behalf of petitioner.
6. Considering the fact that the involvement of petitioner in present case relates to non-commercial quantity i.e. 6 grams of Heroin which is marginally higher than the small quantity, the petitioner having suffered incarceration for three months post his arrest after he being declared as proclaimed offender and the fact that even the charges have not been framed so far before the trial Court, I do not see any reason to extend the incarceration of the petitioner.
7. Without commenting upon merits of the present petition, the same is allowed. Petitioner is ordered to be released on bail subject to his furnishing of adequate bail bonds/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

12.05.2023
Tejwinder

(HARKESH MANUJA)
JUDGE

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

