

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

CRM-M-41730-2023

Date of decision : 20.12.2023

BALJINDER SINGH

....PETITIONER

VERSUS

STATE OF PUNJAB

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present : Mr. Arshdeep Singh Brar, Advocate
for the petitioner.

Mr. Anmol Singh Sandhu, AAG, Punjab.

HARKESH MANUJA.J. (ORAL)

1. By way of present petition filed under Section 439 Cr.P.C., prayer has been made for grant of regular bail to the petitioner in case bearing FIR No.70 dated 25.04.2023 registered under Section 22 of NDPS Act at Police Station Bagha Purana, District Moga wherein the petitioner has been implicated against the recovery of 15 vials of Wincirex Cough Syrup containing codeine Phosphate and the total weight of recovered syrup comes to 1845 grams.

2. The prayer made on behalf of the petitioner has been opposed by learned State counsel while submitting that taking note of the quantity recovered in this case, the petitioner does not deserve the grant of bail.

3. I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioner.

4. The petitioner has already undergone incarceration of about 7 months and 28 days as per the custody certificate dated 19.12.2023. As per the disability certificate issued by the Medical Authority, Moga, Punjab, the petitioner has a 50% locomotor permanent disability to his left arm and right leg and also that the petitioner is not involved in any other NDPS Act.

5. Considering the fact that the investigation in the present case, already stands concluded with the filing of challan and trial is likely to take some time, besides it, the petitioner being already behind the bars for the last almost 7 months and 28 days, I do not find any reason to extend the incarceration of the petitioner any further, in exceptional circumstances, the petitioner being 50% locomotive permanently disabled.

6. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate.

7. It is made clear that this order may not be construed as expression of an opinion on the merits of the case.

(HARKESH MANUJA)
JUDGE

20.12.2023

monika

Whether speaking/reasoned ? Yes/No

Whether Reportable ? Yes/No