

S. No.105+214

2023:PHHC:156430

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM No.49685 of 2023 and
CRM No.49687 of 2023 in/and
CRM-M-45604 of 2023
Date of Decision:07.12.2023

Balbir Singh @ Bawa
Vs.
State of Punjab

.....Petitioner
.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Manuj Nagrath, Advocate for the applicant- petitioner.

Mr. R.S. Khaira, DAG, Punjab.

DEEPAK GUPTA, J. (Oral)

CRM No.49685 of 2023

This is an application to place on record documents Annexures P.3 to Annexures P.5, which are the judgments of acquittal passed in three other cases.

Application is allowed. Annexures P.3 to P.5 are taken on record.

CRM No.49687 of 2023

This is an application seeking permission to amend headnote and prayer clause of the petition in order to add Section 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act').

Notice in the application.

Mr. R.S. Khaira, DAG, Punjab, accepts notice on behalf of the respondent- State.

Learned State Counsel, on instructions from ASI Harparshad, has made a statement that Section 29 of the NDPS Act has not been incorporated in the present FIR.

In view of the above statement made by learned State Counsel, learned counsel for the petitioner wishes to withdraw the present application.

Application is dismissed as withdrawn.

CRM-M-45604 of 2023

By way of present petition filed under Section 439 Cr.P.C., petitioner has prayed for grant of regular bail in case FIR No.144 dated 08.06.2023 registered under Section 18 of the NDPS Act at Police Station City Kapurthala.

It is contended by learned counsel for the petitioner that 2.5 kg of opium, which falls in the non-commercial category, was recovered from a car occupied by Ramji @ Rama, Kulwinder Singh @ Bali, Balbir Singh @ Bawa (petitioner) and Balwinder Singh. Learned counsel further contends that petitioner has been falsely implicated and he has nothing to do with the recovered contraband. Learned counsel further contends that petitioner is in custody for the last more than 05 months. So he may be allowed bail.

Learned counsel for the petitioner also drawn attention towards the separate orders passed by this Court in CRR Nos.2082, 2167 and 2168 of 2023, copies of which have been placed on record, vide which similarly placed co-accused Kulwinder Singh @ Bali, Balwinder Singh and Ram Ji @ Rama have already been allowed bail by this Court on 17.11.2023.

Learned State Counsel does not dispute the fact that the recovered quantity of contraband falls in the non-commercial category. However, it is submitted that the petitioner is also involved in three more cases, one case under the NDPS Act and two cases under the Indian Penal Code.

Learned State Counsel also concedes that case of the petitioner is on parity with the co-accused as referred above.

As per the custody certificate placed on record by learned State Counsel, petitioner is in custody since 05 months and 27 days.

Considering the fact that the recovered quantity of contraband falls in the non-commercial category and that petitioner is in custody for more than 05 months and also on the basis of parity with co-accused, but without commenting anything on the merits of the case, present petition is allowed. Petitioner is admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/ Duty Magistrate concerned.

December 07, 2023
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No