

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Sr. No. 227

CRR No.2167 of 2023

Date of Decision: 17.11.2023

Balwinder Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Prateek Pandit, Advocate,
for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

DEEPAK GUPTA, J. (ORAL)

Status report filed in Court today, is taken on record.

Although this petition was filed challenging the order dated 23.08.2023 passed by learned Special Court, Kapurthala, whereby the application for bail under Section 167 (2) of Cr.P.C has been disallowed, but at the oral request of the learned counsel for the petitioner, the present petition is being converted for regular bail under Section 439 Cr.P.C.

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, Balvir Singh @ Bawa and Balwinder Singh (petitioner). 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 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 two more cases i.e. one case under Excise Act and other under NDPS Act.

Heard.

Considering the fact that the recovered quantity of contraband falls in the non-commercial category and that petitioner is in custody for the last 05 months and 07 days as informed by learned State counsel, but without commenting anything on the merits of the case, the petitioner is admitted to bail. He is ordered to be released on bail on his furnishing requisite bail bonds and surety bonds to the satisfaction of learned Trial Court/Duty Magistrate concerned.

Allowed.

17.11.2023

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(DEEPAK GUPTA)
JUDGE

Whether speaking/reasoned Yes/No
Whether reportable Yes/No