

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-59368-2022 (O&M)

Date of Decision:05.01.2023

Balwinder Singh alias Billi

... Petitioner

V/s.

State of Punjab

... Respondent

CORAM: **HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present : Mr. Gurmohan Singh Bedi, Advocate
for the petitioner.

Mr. Gurdarshan Singh Sidhu, AAG, Punjab.

DEEPAK MANCHANDA, J.(Oral)

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C. in case FIR No. 85 dated 29.08.2022, under Sections 22 (c), 21 (b), 27 (A), 29 NDPS Act registered at Police Station Kalanaur, District Gurdaspur, who is alleged to have possessed contraband of 20 grams heroin and 1200 tablets of Tramadol along-with drug money of Rs. 65000/-.

Learned counsel for the petitioner contends that the petitioner is in custody since 30.08.2022. He submits that the petitioner has been falsely implicated in the present case as he is 50% disabled person and cannot drive the car in question, from which the polythene bag carrying contraband is said to have thrown out. He further submits that the conclusion of trial will take sufficient time, therefore, the petitioner be enlarged on bail.

Custody certificate has been filed by the respondent-State,

which is taken on record. Even though learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, opposes the grant of regular bail to the petitioner, while submitting that the petitioner is a habitual offender and the offence alleged against the petitioner is serious in nature and he is involved in other cases but does not dispute the fact that trial will take time to conclude.

Confronted with the same, learned counsel for the petitioner submits that in one case the petitioner has been acquitted from the charges levelled against him and in another case he has been released on bail whereas in third case has already undergone the sentence awarded to him.

I have heard learned counsel for the parties.

Petitioner is in incarceration since 30.08.2022.

It is not a case made out by the respondent-State that in case concession of bail is granted to the petitioner, he would hamper the course of free and fair trial. Further, since the trial would take sufficient time, no useful purpose would be served in keeping the petitioner behind bars

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

(DEEPAK MANCHANDA)
JUDGE

05.01.2023
seema

Whether speaking/reasoned	Yes
Whether Reportable	Yes /No