

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

**CRM-M-63496-2023
Date of decision : 21.12.2023**

BALWINDER SINGH

....PETITIONER

VERSUS

STATE OF PUNJAB

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present : Mr. Gurpreet Singh Thind, Advocate
for the petitioner.

Mr. Gurlal Singh Dhillon, Asstt. A.G. Punjab.

HARKESH MANUJA.J. (ORAL)

1. By way of second bail 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.111 dated 03.06.2022 registered under Section 22 of the NDPS Act at Police Station Sultanpur Lodhi, District Kapurthala, wherein the petitioner has been implicated against the recovery of 232 grams of intoxicant powder (Alprazolam).

2. The prayer made on behalf of the petitioner has been opposed by learned State counsel while submitting that huge recovery is involved in the present case besides the antecedents of the petitioner who is alleged to be involved in two other cases of similar nature as well.

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 1 year 6 months and 19 days, the investigation already stands concluded and charges were framed on 09.11.2023, however, no prosecution witness has been examined so far. Though the petitioner is involved in two other cases under NDPS Act, however, all of those pertain to recovery of non-commercial quantity, Alprazolam.

4. 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 is already behind the bars for the last almost 1 year 6 months and 19 days, I do not find any reason to extend the incarceration of the petitioner any further.

5. 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.

6. 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

21.12.2023

monika

Whether speaking/reasoned ? Yes/No

Whether Reportable ? Yes/No