



In the High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-11969-2024 (O&M)
Date of Decision:-12.8.2024

Baljinder Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Kamal Narula, Advocate for the petitioner.
Mr. Inderjeet Singh Ladher, DAG, Punjab.

FIR No.	Dated	Police Station	Section/s
172	15.09.2023	City Fazilka, District Fazilka	21/29/25 of Narcotic Drugs and Psychotropic Substances Act

GURVINDER SINGH GILL, J. (Oral)

- The petitioner seeks grant of regular bail in respect of the aforementioned FIR.
- As per the case of prosecution, on 15.09.2023, when a police party was present near Dera Sacha Sauda Road, Fazilka, then a motorcycle was seen coming at a high speed and 3 persons i.e. a gentleman and two ladies were riding the same. The said persons, upon noticing the police party, tried to turn back the motorcycle. The lady sitting at the tail end of the seat was carrying a polythene bag, which she threw on the road. The police was able to apprehend them. The person driving the motorcycle disclosed his name as



Baljinder Singh. The lady sitting in the middle disclosed her name as Baljit Kaur and the lady sitting at the tail end of the seat, who had thrown the polythene bag on the road, disclosed her name as Manjit Kaur. The transparent polythene bag was checked by the police and was found to contain 70 grams of 'heroin'.

3. Learned counsel for the petitioner submits that the recovered contraband would fall in the category of 'non-commercial' quantity. It has further been submitted that, in any case, even as per the case of prosecution, it is Manjit Kaur, who was carrying the polythene bag, which was found to contain contraband, whereas no recovery was effected from the petitioner. Learned counsel for the petitioner further submits that the story projected by the police that the contraband was being carried in a polythene bag is unbelievable inasmuch as no drug trafficker would carry contraband in such a manner that the same could be easily visible as in the case of a transparent polythene bag. It has been submitted that the petitioner has been behind bars since the last about 11 months and that as on date only 1 PW out of cited 11 PWs has been examined.
4. On the other hand, learned State counsel has opposed the petition on the ground that the petitioner is a habitual offender having been convicted in 1 case under NDPS Act and having 3 other cases under NDPS Act, which are still pending.
5. This Court has considered rival submissions addressed before this Court.
6. While it is correct that the antecedents of an accused are to be borne in mind while considering grant of bail, but at the same time, the delay in conclusion



of trial is also a material fact to be kept in mind and also the nature of offence. The present case is a case of recovery of ‘non-commercial’ quantity of contraband. The petitioner has been behind bars for a substantial period of about 11 months, whereas only 1 PW out of cited 11 PWs has been examined so far. Under these circumstances, conclusion of trial is likely to consume time and as such it will not be in the fitness to things to detain the petitioner anymore.

7. The instant petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

12.8.2024 Geeta/P	(Gurvinder Singh Gill) Judge
Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No