



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M No. 21968 of 2024 (O&M)
Date of Decision: 09.05.2024

Balvir Singh @ Bhundi

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Jimmy Singla, Advocate,
for the petitioner.

Mr. Rahul Jindal, Assistant Advocate General, Punjab

HARKESH MANUJA, J. (ORAL)

The petitioner, by way of present petition filed under Section 439 Cr.P.C., seeks grant of regular bail pending trial in case bearing FIR No.51, dated 27.04.2022, under Sections 18 & 29 of NDPS Act, registered at Police Station Anaj Mandi, District Patiala, wherein he has been implicated against the alleged recovery of 5 kgs. of opium.

[2] Learned counsel for the petitioner submits that the petitioner is in custody since 27.04.2022 and similarly placed co-accused, namely, Dharampal Sharma, has already been granted the concession of regular bail by this Court vide order dated 12.01.2024 (Annexure P-2); thus, prayer is for regular bail to the petitioner on parity basis.

[3] Learned State counsel vehemently opposes the prayer made on behalf of the petitioner, while submitting that the petitioner is involved in

another case of NDPS Act, though he is on bail.

[4] I have heard learned counsel for the parties and gone through the paper-book. I find substance in the submissions made by learned counsel for the petitioner.

[5] In the present case, investigation stands concluded with the filing of challan, followed by framing of charges on 03.05.2023 and the petitioner is behind the bars since 27.04.2022, i.e. for the past more than two years. Also, similarly placed co-accused has already been granted the concession of regular bail by this Court vide order dated 12.01.2024 (Annexure P-2). As per learned State Counsel, inspite of framing the charges on 03.05.2023, the trial has not yet commenced so far, as none (out of total 17) of the prosecution witnesses has been examined as yet on account of non-appearance of the official witnesses, thereby contributing towards the custody of the petitioner for no valid reasons. In view thereof, this Court does not find justification to extend the incarceration of the petitioner any further.

[6] In view of the above, but without commenting upon merits of the present petition, the same is **allowed**. The petitioner is ordered to be released on bail subject to his furnishing adequate bail bonds / surety bonds to the satisfaction of the Trial Court/Illaqa Magistrate/Duty Magistrate concerned.

[7] Also, considering the conduct of prosecution witnesses, the Investigating Officer concerned is saddled with costs of Rs. 20,000/- to be paid in the Poor Patients' Welfare Fund of the PGIMER, Chandigarh, by his / her own pocket, within a period of seven days from today, for the reasons

of having delayed the trial, which was totally non-attributable to the petitioner. A copy of the receipt with regard to the deposit of costs be also forwarded to the learned State Counsel by the trial Court.

[8] The Senior Superintendent of Police, Patiala, is requested to look into the matter personally towards completion of evidence.

[9] The trial Court is also requested to expedite the trial at the earliest.

[10] It is made clear that this order may not be construed as an expression of opinion on the merits of the case.

May 09, 2024
'dk kamra'

(HARKESH MANUJA)
JUDGE

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