



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

**CRM-M-32840-2024
Date of Decision: 17.07.2024**

BALWINDER SINGH **....Petitioner**

VERSUS

STATE OF PUNJAB **....Respondent**

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Manjinder Singh Bhullar, Advocate
for the petitioner.

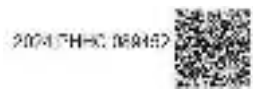
Mr. Athar Ahmad, DAG, Punjab.

HARKESH MANUJA, J. (Oral)

1. This is second petition filed under Section 439 Cr.P.C. for grant of regular bail in case bearing FIR No.155 dated 26.07.2023 under Sections 21, 22, 29/61/85 of Narcotic Drugs and Psychotropic Substances, Act, registered at Police Station Dharamkot, District Moga, Punjab, wherein the petitioner has been implicated with the allegations of recovery of 04 grams of heroin and 20 grams of Etizolam.

2. Learned counsel for the petitioner submits that the petitioner is in custody since 26.07.2023 and the trial of the case may take long time, thus, prayer is for grant of bail.

3. Learned State counsel vehemently opposes the prayer made on behalf of the petitioner, while submitting that the recovery from his possession is of commercial quantity, besides; petitioner is also involved in one more case of NDPS Act.



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 already stands concluded with the filing of challan, followed by framing of charges and the petitioner is in custody for the past around one year, however, none of the prosecution witnesses has been examined so far. Besides it, as per prosecution version the recovery was made from polythene laying on the ground allegedly thrown away by the petitioner; needs to be gone into during trial. In such circumstances, this Court does not find any reason to extend his incarceration any further especially when in the other case under NDPS Act the petitioner already stands acquitted.
6. In view of 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. It is made clear that this order may not be construed as an expression of opinion on the merits of the case.
8. Pending miscellaneous application(s), if any, shall also stand disposed of.

July 17, 2024
Sangeeta

(HARKESH MANUJA)
JUDGE

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