

S. No.227

2024:PHHC:023120

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-42279 of 2023

Date of Decision:20.02.2024

Balwinder Singh @ Jalandhar Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Sandeep Verma, Advocate for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab.

DEEPAK GUPTA, J. (Oral)

Vakalatnama has been filed on behalf of the petitioner.

By way of present petition fled under Section 439 Cr.P.C., petitioner prays for grant of regular bail in case No.01 dated 02.01.2023 registered under Sections 15 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Nihal Singh Wala, District Moga.

As per allegations, 60 kg of poppy husk contained in three bags of 20 kg each, was recovered from the possession of the petitioner on 02.01.2023.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated; that he has no criminal antecedents; that he is in custody for the last more than 01 year and 01 month; and that the trial may take long time to conclude and so, he be allowed bail.

Though status report has not been filed, but learned State Counsel concedes the fact that the petitioner is in custody for the last 01 year 01 month and 14 days as per the custody certificate placed on record, which also reveals that petitioner has no other case pending against him.

On instructions from ASI Harminder Singh, it is also informed by learned State Counsel that out of 20 witnesses cited by the prosecution, only one witness has been examined so far. The recovered quantity of contraband from the petitioner is marginally higher than the commercial quantity which starts from 50 kg.

Petitioner has no criminal antecedents and he is in custody for the last 01 year 01 month and 14 days. Since only one witness has examined out of 20 witnesses cited by the prosecution, it is apparent that trial may take time to conclude.

Having regard to all the afore-said facts and circumstances, but without commenting anything on the merits of the case, present petition is allowed. Petitioner is admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/ Duty Magistrate concerned, on usual terms and conditions.

February 20, 2024
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(DEEPAK GUPTA)
JUDGE

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