

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

227 (02 cases) CRM-M-58627-2023
Date of Decision.:21.02.2024

Baljinder Singh @ LuckyPetitioner
Vs.
State of HaryanaRespondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Anutej Singh Barnala, Advocate
for the petitioner.

Mr. Sumit Jain, Addl. AG, Haryana.

DEEPAK GUPTA, J. (ORAL)

The petitioner prays for his release on regular bail, by way of present petition filed under Section 439 Cr.P.C, in case FIR No.178 dated 04.04.2023 registered under Section 18 of NDPS Act, 1985 registered at Police Station Parao Ambala Cantt, District Ambala.

2. As per prosecution allegations, 04 kg of opium was recovered from a Vitara Brezza car which was being driven by petitioner Baljinder Singh @ Lucky and in which co-accused Raghbir Singh @ Ramu was a passenger.
3. Learned counsel for the petitioner contends that petitioner has been falsely implicated; that incomplete challan has been filed in the Court without any CFSL report; that petitioner is in custody for the last more than 10 months; that extension of time has been granted to the investigating agency for filing the challan, without following the law laid down by

Hon’ble Supreme Court in “*Sanjay Kumar Kedia vs Narcotics Control Bureau & Anr*” and that in all these circumstances petitioner be allowed bail.

4. As per the status report filed by the respondent- State, though the final report under Section 173 Cr.P.C. has already been filed against the petitioner and the co-accused but the trial is fixed for 22.02.2024 for awaiting the CFSL report, which clearly indicates that incomplete challan has been filed. The custody certificate placed on record by learned State counsel reveals that petitioner is in custody for the last 10 months and 04 days with no criminal antecedents. Considering the fact that even the CFSL report has not been received till date; it is obvious that trial is likely to take long time inasmuch as 16 witnesses have been cited by the prosecution as per the status report.

5. Having regard to the above facts and circumstances, but without commenting anything further on the merits of the case, this petition is allowed and petitioner is admitted to bail on his furnishing bail bonds/surety bonds to the satisfaction of the Learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

(DEEPAK GUPTA)
JUDGE

February 21, 2024
Neetika Tuteja

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