



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

219

CRM-M-3849-2025
Decided on : 04.08.2025

Balwinder Singh alias Phunda . . . Petitioner(s)

Versus

State of Punjab . . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Prateek Pandit, Advocate
for the petitioner(s).

Mr. B.P. Singh, AAG, Punjab.

Mr. Amit Chaudhary, Advocate
for respondent No.2.

SANJAY VASHISTH, J. (Oral)

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed here-under:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Balwinder Singh alias Phunda	154	21.12.2020	186, 332, 353, 148, 149 of IPC and 21 & 29 of NDPS Act, 1985 [S. 29 of NDPS Act, added later on)	Subhanpur	Kapurthala

2. Learned counsel for the petitioner contends that, as per the allegations, 26 grams of ‘Heroin’ and 280 grams of an intoxicant substance, i.e., Alprazolam, were recovered from the possession of the petitioner. It is further alleged that while the petitioner was standing in front of his house, a polythene bag was found hanging on his motorcycle, and upon noticing the



police party, he attempted to flee. However, upon being apprehended, he and his family members allegedly engaged in a scuffle with the police team.

3. Learned counsel further submits that the petitioner has been suffering incarceration for a period of more than 04 years and 06 months, and even the charges have not yet been framed. Therefore, primarily on the ground of prolonged incarceration, particularly when the trial proceedings have not yet commenced, and by pointing out that the recovered quantity of 'Heroin' is of 'non-commercial' nature (although Alprazolam, weighing 280 grams, qualifies as 'commercial' quantity), he prays for the grant of concession of bail to the petitioner.

4. On the other hand, learned State counsel has filed the custody certificate dated 03.08.2025 in Court today, which is taken on record, subject to all just exceptions. Office to tag the same at appropriate place.

A copy thereof has been handed over to the counsel for the petitioner.

5. Learned State counsel, while opposing the prayer for bail, submits that as per the custody certificate, the petitioner has been in judicial custody for the last 04 years, 06 months, and 17 days and is also involved in other criminal cases. However, he is unable to refute the factual aspects of the case, as noticed and recorded hereinabove.

6. Considering the recovery effected from the petitioner and also the fact that, despite the petitioner being in custody for more than 04 years, 06 months, and 17 days, the process of recording statements of the prosecution witnesses has not commenced, this Court is of the view that the liberty of the petitioner cannot be curtailed for an indefinite period.



7. Therefore, after considering the totality of circumstances, and the nature of allegations leveled against the petitioner, and the factors noticed here-above, I deem it appropriate to grant the concession of bail to the petitioner.

8. Consequently, prayer made in the present petition is **allowed**. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

9. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

10. The observation made here-in-above shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

11. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

August 04, 2025

J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*