



**THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

235

CRM-M-53500-2024

Date of decision: January 9th, 2025

Balwinder Singh @ Mota and another

.....Petitioners

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Roshan Lal Saini and Mr. Karanbir Singh, Advocates
for petitioner No.1.

Petition qua petitioner No.2 dismissed as not pressed
(vide order dated 19.12.2024).

Mr. Navdeep Singh, Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner is seeking the concession of regular bail in
FIR No.83 dated 23.08.2024 under Sections 21(B) and 25 of the NDPS
Act, registered at Police Station Lambra, District Jalandhar Rural.

2. Learned counsel for the petitioner submits that a false case
has been planted upon the petitioner for allegedly being found in
possession of 225 grams of heroin while he along with co-accused were
travelling together in a car. Learned counsel submits that the petitioner
has never been involved in any case under the NDPS Act previously,
which lends credence to his false implication in the present case. It has
been argued that since the investigation in the present case is complete
and challan also stands presented, further incarceration of the petitioner
would serve no useful purpose as none of the 14 prosecution witnesses
have been examined till date.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions, has submitted that although the petitioner and the co-accused were apprehended on suspicion, however, when the car in which the petitioner along with co-accused were directed to stop by the police, a recovery of 225 grams of heroin, just marginally below than the minimum classified as commercial, along with a weighing scale and ₹1 lakh as drug money was affected and that too, after due compliance of all the mandatory provisions of the NDPS Act. It has also been asserted by the learned State counsel that petitioner No.1-Balwinder Singh @ Mota was seated next to the driver i.e. petitioner No.2-Gurcharan Singh @ Raju and during investigation, enough material had been collected from which it was evident that the petitioner No.1 was owner of the said vehicle. Learned State counsel has further argued that the trial has been proceeding at a considerably good pace as not only the challan has been presented but even charges have been framed. It has been contended that the next date fixed before the trial Court is 19.02.2025 when the recording of the prosecution evidence would commence. It has also been brought to the notice of this Court that the petitioner was apprehended in the present case while he was on bail in another criminal case in which he has been subsequently convicted.

4. I have heard learned counsel for the parties and perused the relevant material on record.

5. The petitioner was arrested on 23.08.2024 when he along with the co-accused were allegedly nabbed on suspicion, leading to the

recovery of 225 grams of heroin along with a weighing scale and ₹1 lakh as drug money. The charges were framed as recently as on 04.12.2024 and the next date before the trial Court is 19.02.2025. Hence, the trial has indeed been proceeding at a reasonably good pace.

6. In the facts and circumstances as enumerated hereinabove, this Court does not deem it fit to extend the concession of bail to the petitioner.

7. The instant petition stands dismissed.

8. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

January 9th, 2025
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No