

CNR No. HRFT01-009548 of 2022.

CIS No. 1648 BA of 2022.

Balwinder @ Sonu Versus State of Haryana.

:1:

**IN THE COURT OF SUNIL JINDAL, ADDITIONAL SESSIONS
JUDGE FATEHABED. (UID No.HR0214).**

CNR No. HRFT01-009548 of 2022.

CIS No. 1648 BA of 2022.

Bail application No. 599 BA of 2022.

Date of Institution: 04.10.2022.

Date of Decision: 07.10.2022.

Balwinder @ Sonu aged 27 years son of Om Parkash, resident of near
Baba Ranadhir Mandir, Balmiki Mohalla, Bhuna, Tehsil and District
Fatehabad.

.....Petitioner-Accused

Versus

State of Haryana.

.....Respondent

Case FIR No. 271 dated 16.08.2022.

U/Sec. 21(b), 29,/61/85 of the NDPS Act.

Police Station:- Bhuna, District Fatehabad.

First application for regular bail u/s 439 of Cr.P.C.

Present:- Sh. Simranjeet Singh, Advocate for petitioner-accused.
Sh. H.S.Malik, Public Prosecutor for the State.

ORDER:

Above-named petitioner-accused Balwinder @ Sonu has
sought regular bail under section 439 of Cr.P.C. by way of the instant first
application, in the above-noted case. As per the affidavit furnished by
learned counsel for petitioner-accused, no other bail application is
pending before any competent Court of law. Further, as per report of the
concerned Ahlmad, no bail application of the present petitioner-accused is
pending before any other Sessions Court as well as before the Hon'ble
High Court. Notice of the bail application given to the respondent-State

(Sunil Jindal),
ASJ, Fatehabad.
(UID-HR0214)
Dt.. 07.10.2022.

and the reply has been furnished. As per police reply, no other bail application of the present petitioner-accused is pending before any other competent Court of law.

2. Brief facts of the case essential for disposal of the instant bail application, as per police reply, are that on 16.08.2022, a police party headed by SI Mahender Singh, on the basis of suspicion, apprehended the present petitioner-accused Balwinder @ Sonu at Burial Ground, Bhuna and after making compliance of notice under Section 50 of NDPS Act, and recovery of 7 grams 50 milligrams of Heroin was effected from the right pocket of wearing lower of petitioner-accused, in the presence of Sh. Bharat Kumar, Assistant Professor, Government College, Bhuna. The recovered contraband was taken into police possession in accordance with law. On interrogation, the present petitioner-accused suffered disclosure-statement of having purchased the recovered contraband from co-accused Mandeep @ Hukka. During investigation, on 05.09.2022, co-accused Mandeep @ Hukka was arrested and he suffered disclosure statement regarding his involvement in the present case.

3. Learned counsel for the petitioner-accused has contended that the petitioner-accused has been falsely implicated in the present case. He further submitted that the recovered contraband in the present case is non-commercial quantity and therefore, bar under section 37 of NDPS Act would not be attracted in the present case. He further submitted that the petitioner-accused is in custody since the date of his arrest in this case

from 16.08.2022. He has also submitted that investigation has been completed and the petitioner-accused is no more required for further investigation. He further submitted that trial of the case will take long time to conclude and that the petitioner-accused would attend the Court regular. He prayed for enlarging the petitioner-accused on bail.

4. On the other hand, learned Public Prosecutor for the State has opposed the bail application as the petitioner-accused committed a serious offence. He further submitted that the petitioner-accused if granted concession of bail, he may abscond from trial. Therefore, the petitioner-accused is not entitled to the concession of bail.

5. Heard. Merits are not to be dwelt upon at this stage. As per prosecution version, on 16.08.2022, a police party headed by SI Mahender Singh, on the basis of suspicion, apprehended the present petitioner-accused Balwinder @ Sonu at Burial Ground, Bhuna and after making compliance of notice under Section 50 of NDPS Act, and recovery of 7 grams 50 milligrams of Heroin was effected from the right pocket of wearing lower of petitioner-accused, in the presence of Sh. Bharat Kumar, Assistant Professor, Government College, Bhuna. The recovered contraband is a non-commercial and therefore, bar under section 37 of NDPS Act is not applicable in this case. The petitioner-accused is in custody in the present since the date of his arrest from 16.08.2022. As per police reply, investigation has been completed and challan would be submitted today in the Court. Further as per police reply, no other case is

registered against the present petitioner-accused, therefore, there are no criminal antecedents against him. The trial of the case may take sufficient time to conclude, therefore, no useful purpose would be served by keeping the present petitioner-accused in custody further. Hence, in view of the above-discussion and without commenting on the merits of the case, the instant bail application is allowed and the present petitioner-accused is ordered to be enlarged on bail on furnishing bail bonds in the sum of Rs.1,00,000/- with one surety in the like amount to the satisfaction of learned this Court/Duty Judge, Fatehabad. **Requisite bail bonds not furnished.** Papers be tagged with the remand papers.

Pronounced.
Dated:07.10.2022

(Sunil Jindal),
Addl. Sessions Judge,
Fatehabad.(UID No.HR0214)

Note:- Certified that this order contains four pages,
which have been checked and signed by me.

Dt.07.10.2022
(Suresh, SG-I)

(Sunil Jindal),
Addl. Sessions Judge,
Fatehabad. (UID No.HR0214)

Present:- Sh. Simranjeet Singh, Advocate for petitioner-accused.
Sh. H.S.Malik, Public Prosecutor for the State.

Police reply filed. Arguments heard.

Order pronounced. Vide my separate order of even date, the present bail application filed on behalf of the present petitioner-accused Balwinder @ Sonu, has been allowed. **Requisite bail bonds have not been furnished.** Papers be tagged with the remand papers.

Dt.07.10.2022
(Suresh, SG-I)

(Sunil Jindal),
Addl. Sessions Judge,
Fatehabad. (UID No.HR0214)

(Sunil Jindal),
ASJ, Fatehabad.
(UID-HR0214)
Dt.. 07.10.2022.