

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

**CRM-M-15453-2015
Date of decision:18.05.2015**

Jatinder Singh @ Sonu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

1. To be referred to the Reporters or not ?
2. Whether the judgment should be reported in the Digest ?

Present: Mr.Vipul Jindal, Advocate for the petitioner.

RAMESHWAR SINGH MALIK, J. (Oral)

Petitioner seeks bail pending trial in FIR No.119 dated 9.7.2012 registered under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station, Jhabhal, District Tarn Taran.

Notice to the Advocate General, Punjab.

On the asking of Court, Ms.Anmol Grewal, AAG, Punjab. accepts notice.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. No recovery was effected from the petitioner. Whatever was the recovery effected that was from his co-accused. He further submits that petitioner is inside the jail for the last about two years and ten months. No delay has been caused by the petitioner in the trial of the case. In support of his contentions, he places reliance on the following judgments of the Hon'ble Supreme Court as well as this Court:-

1.State of Kerala v. Raneef, 2011 (1) SCC 784;

2.Sanjay Chandra v. CBI, 2012 (1) SCC 40;

3. Maulana Mohd. Amir Rashadi v. State of UP and another,
2012 (2) SCC 382;
4. Satnam Singh v. State of Punjab (CRM-M-31843-2009),
decided on 24.9.2010;
5. Ruldu Singh v. State of Punjab (CRM-M-36813-2014),
decided on 12.11.2014;
6. Ramesh v. State of Haryana (CRM-M-1203-2014), decided
on 14.3.2014;
7. Shamsheer Singh @ Shera v. State of Punjab (CRM-M-1510-
2014), decided on 24.1.2014;
8. CRM-M-3947-2014 (Malkiat Singh v. State of Punjab),
decided on 28.3.2014;
9. Paramjit Kaur v. State of Punjab (CrM-M-43414-2013),
decided on 3.2.2014;
10. Akram Ajmeri v. State of Punjab (CRM-M-11406-2014),
decided on 23.5.2014; and
11. Dilbagh @ Baga v. State of Haryana (CRM-M-6890-2015),
decided on 1.4.2015.

He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from HC Gursahib Singh, Police Station, Jhabhal, District Tarn Taran, submits that out of total 14 prosecution witnesses, 9 have already been examined and the next date of hearing before the learned trial Court is 2.6.2015. She further submits that since the remaining witnesses are the official witnesses, the trial would be concluded very soon. In this view of

the matter, she submits that petitioner is not entitled for bail pending trial, at this stage when the trial itself is at the fag end.

Having heard the learned counsel for the parties at considerable length, after careful perusal of record of the case and giving thoughtful consideration to the rival contentions raised, this Court is of the considered opinion that in the given fact situation of the present case, petitioner is not found entitled for bail pending trial. It is so said because out of total 14 prosecution witnesses, 9 have already been examined. The next date before the learned trial Court is 2.6.2015.

So far as the judgments relied upon by the learned counsel for the petitioner are concerned, there is no dispute about the law laid down therein. However, on close perusal of the cited judgments, the same have been found distinguishable on facts and are of no help to the petitioner. It is the settled principle of law that peculiar facts of each case are to be examined, considered and appreciated first, before applying any codified or judgemade law thereto. Sometimes, difference of one circumstance or additional fact can make the world of difference, as held by the Hon'ble Supreme Court in Padmausundra Rao and another Vs. State of Tamil Nadu and others, 2002 (3) SCC 533.

Without commenting anything on the quality of the prosecution evidence led so far, no case for bail pending trial is made out.

Dismissed.

18.05.2015
mks

(RAMESHWAR SINGH MALIK)
JUDGE