

CRM-M-16627-2015
Date of decision: May 27, 2015

SUKHDEV SINGH

...Petitioner

Versus

STATE OF PUNJAB

....Respondent

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Vikas Gupta, Advocate
for the petitioner.

Mr. K.S. Pannu, DAG, Punjab
for the respondent-State.

JASPAL SINGH, J.(ORAL)

1. This is a petition preferred under Section 439 Code of Criminal Procedure (for short 'Cr.P.C. only) by Sukhdev Singh (presently confined in Sub Jail, Patti) seeking bail in FIR No.09 dated 19.03.2013, under Sections 307, 34 IPC, 21 of Narcotic Drugs and Psychotropic Substances Act (for brevity 'NDPS') and 25 of Arms Act, registered at Police Station Khem Karan, District Tarn Taran.

2. It is an undisputed fact that as per the case of prosecution, petitioner-Sukhdev Singh was arrested on October 3, 2012 in case bearing FIR No.47 dated October 3, 2012, under Section 29 of NDPS Act, registered at Police Station Khem Karan, District Tarn Taran and was in judicial lock up. Thereafter, on February 11, 2015, he was acquitted of the charges in the said case by the Court of Mr. Baljinder Singh, Additional Sessions Judge, Tarn Taran was released thereafter. Otherwise also, this fact is evident from the custody certificate furnished by learned State counsel, during the course of arguments, which is taken on record subject to all just exceptions.

3. Subsequently, he was arrested as an accused in the instant case i.e. FIR No.09 dated 19th March, 2013, under Sections 307, 34 IPC and 21 of NDPS Act besides under Section 25 of Arms Act, 1959, Police Station Khem Karan, District Tarn Taran on the allegations that he was involved in the said case, in which, one Kuldeep Singh was killed at the Indo Pak border. It is highly strange that a person who is lodged in the custody on the date of alleged occurrence i.e. on March 19, 2013 was also present at the Indo Pak border. In the similarly situated case, co-accused namely Harpal Singh has already been granted concession of bail by this Court vide order dated April 30, 2015 while disposing of CRM-M-3871 of 2015.

4. Taking into consideration all these aspects of the case but without expressing any opinion on the merits of the case, petition is allowed and petitioner is ordered to be released on bail at the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Tarn Taran.

5. While parting with this judgment, this Court thinks it appropriate to send the copy of this order to the commissioner of Police, Amritsar, with the direction to look into the matter especially mentioned in this judgment within a period of three months from the date of receipt of copy of judgment and take appropriate action against the erring officer(s), officials(s) and private persons(s) associated with the investigation of this case under intimation to this Court.

May 27, 2015
m. sharma

(JASPAL SINGH)
JUDGE