

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM No.M-23572 of 2015

Date of decision:- August 11, 2015

Gurwinder Singh

.....Petitioner...

Vs.

State of Punjab

....Respondent...

CORAM:- HON'BLE MR. JUSTICE JASPAL SINGH

Present:- Mr. D.S. Pheruman, Advocate,
for the petitioner.

Mr. K.K. Gupta, Additional Advocate General, Punjab.

JASPAL SINGH, J.

Instant petition has been preferred by Gurwinder Singh under Section 439 of the Code of Criminal Procedure (for short, 'Code') seeking bail, in case FIR No. 9, dated 19.03.2013, under Sections 307/34 IPC, Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'Act' only) and Section 25 of the Arms Act, at Police Station Khem Karan, District Tarn Taran.

2. It is an undisputed fact that name of petitioner neither figures in the FIR nor he was arrested at the spot. Subsequently, on the basis of statement of one Varsa Singh, recorded under Section 161 Cr.P.C., petitioner was nominated as one of the accused.

In pursuance of the said statement, petitioner was arrested in this case, who was already in custody in some other case. On police request, petitioner was taken from jail and was produced in Court on November 15, 2013. He was remanded to police custody till November 18, 2013. During police remand, petitioner was subjected to interrogation but nothing incriminating could be recovered from his possession. Thereafter, he was remanded to judicial custody on November 18, 2013. Since then, he is suffering incarceration. Co-accused of petitioner namely, Harpal Singh and Sukhdev Singh have already been granted the concession of bail by this Court vide order dated April 30, 2015 (Annexure P-7) and order dated May 27, 2015 (Annexure P-8) respectively. Similarly, Karaj Singh another co-accused of petitioner has also been granted the concession of bail by a coordinate Bench vide order dated January 23, 2015 (Annexure P-6). The case of petitioner is not on different footing than those who have been allowed bail.

3. Taking into consideration the aforesaid aspect and without expressing any opinion on the merits of the case, petition is allowed and petitioner is ordered to be released on bail, during pendency of trial, subject to his furnishing requisite bail bonds, at the satisfaction of trial court/Duty Magistrate, Tarn Taran.

August 11, 2015
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(JASPAL SINGH)
JUDGE