

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

CRM-M-31171-2015

Date of decision: 28.09.2015

Iqbal Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. N.S. Sodhi, Advocate for the petitioner.

Mr. K.D. Sachdeva, Addl. AG, Punjab.

RAMESHWAR SINGH MALIK, J. (ORAL)

Petitioner seeks bail pending trial in FIR No.129 dated 17.07.2013 under Sections 15, 25, 61, 85 of NDPS Act and Sections 379, 411, 482 IPC, registered at Police Station Kotkapura, District Faridkot.

Learned counsel for the petitioner refers to the judgment dated 31.07.2014 (Annexure P-5), whereby petitioner was convicted in FIR No.130 dated 10.09.2013 to contend that learned counsel for the State was not properly instructed by the police official, who came to assist him on 06.05.2015, when the earlier petition for bail filed by the petitioner, by way of CRM-M-8966-2015 was dismissed by this Court, vide order dated 06.05.2015 (Annexure P-6). He further submits that petitioner is inside the jail for the last about two years and the prosecution evidence is still going on. Conclusion of trial will take time. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from ASI Gurdev Singh, Police Station Kotkapura, District Faridkot, submits

that in the case arising out of FIR No.130 dated 10.09.2013, petitioner has been convicted which shows his involvement in more than one NDPS matters. He further submits that in such a situation, petitioner is not entitled for the concession of bail pending trial, at this stage. He prays for dismissal of the present petition.

Having heard the learned counsel for the parties and after careful perusal of the record of the case, this Court is of the considered opinion that in the peculiar facts and circumstances of the case, petitioner has been found entitled for bail pending trial. It is so said because for the last about two years, petitioner is inside the jail and prosecution evidence is still going on. Conclusion of trial will take some time.

In view of the above and without commenting anything further on merits at this stage, lest it should prejudice the rights of either of the parties, instant petition is allowed. Petitioner is directed to be released on bail pending trial on his furnishing adequate bail bonds/surety bonds to the satisfaction of learned trial Court.

Disposed of, accordingly.

[RAMESHWAR SINGH MALIK]
JUDGE

28.09.2015
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