

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

CRM-M-32255-2015
Date of decision:29.10.2015

Amarjit Singh

...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.Prateek Pandit, Advocate for the petitioner.
Mr. Daljeet Singh Virk, AAG, Punjab.

RAMESHWAR SINGH MALIK, J. (Oral)

Petitioner seeks bail pending trial in FIR No.47 dated 17.5.2010 registered under Sections 15, 61 and 85 of the NDPS Act at Police Station Subhanpur, District Kapurthala.

Learned counsel for the petitioner places reliance on an order dated 14.5.2013 passed by this Court in CRM-M-11321-2013 (Sukhwinder Singh @ Billa), whereby co-accused of the petitioner was granted the concession of bail pending trial. He further submits that since petitioner is identically placed, he is entitled for the concession of bail pending trial. He prays for allowing the present petition.

Learned counsel for the State, on instructions from ASI Kulwant Singh, Police Station Subanpur, submits that petitioner is not identically placed with his co-accused namely Sukhwinder Singh @ Billa.

He prays for dismissal of the instant 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 keeping in view the peculiar facts and circumstances of the case, petitioner has been found entitled for bail pending trial. It is so said, because despite making his best efforts, learned counsel for the State could not distinguish the case of the present petitioner from that of his co-accused, who was granted the concession of bail pending trial by this Court vide above-said order dated 14.5.2013 (Annexure P-3). It is also a matter of record that earlier an Officer of the rank of Superintendent of Police found the petitioner innocent and on the second enquiry, he was sought to be made again an accused.

Be that as it may, without commenting anything further on merits of the case, 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.

29.10.2015
mks

(RAMESHWAR SINGH MALIK)
JUDGE