

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

Criminal Misc. No. M- 34323 of 2015

Date of Decision: 14.10.2015

Rajwinder Singh

--Petitioner

Vs.

State of Punjab

--Respondent

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

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

Ms.Anmol Grewal, AAG Punjab for the State.

RAMESHWAR SINGH MALIK, J. (ORAL)

Petitioner seeks bail pending trial in FIR No.129 dated 17.7.2013 registered under Sections 15 and 25 of the Narcotic Drugs & Psychotropic Substances Act, 1985 (the offences u/ss 379, 411 and 482 IPC were added later on) at Police Station City, Kot-Kapura, Distt. Faridkot.

Learned counsel for the petitioners places reliance on order dated 28.9.2015 passed by this Court to contend that the case of present petitioner is similar to that of his co-accused Iqbal Singh, who was granted the concession of bail, vide order (Annexure P1). He also submits that present one is the third petition u/s 439 Cr.PC and both the earlier petitions were dismissed as withdrawn at those stages. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from ASI Gurdev Singh, Police Station City, Kot-Kapura, submits that the

case of present petitioner is not identical with the above said co-accused Iqbal Singh. He further submits that since the similar petitions filed by the petitioner had been dismissed twice, so, he is not entitled to the concession of bail at this stage. She prays for dismissal of the present petition.

Having heard the learned counsel for the parties, after careful perusal of the 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 has been found entitled for the concession of bail pending trial. It is so said, that despite making best efforts, learned State counsel could not distinguish the case of present petitioner from that of case of his co-accused Iqbal Singh, who has already been granted the concession of bail by this Court, vide order (Annexure P1). Further, since the prosecution evidence is still going on, conclusion of trial will take some time.

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

Disposed of, accordingly.

(RAMESHWAR SINGH MALIK)
JUDGE

14.10.2015
AS