

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

CRM-M-39994-2015

Date of decision: 08.12.2015

Harbans Singh @ Kaka

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Vivek Goel, Advocate
for the petitioner.

Mr. Daljit Singh Virk, AAG, 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 (added later on), registered at Police Station City Kotkapura, District Faridkot.

Learned counsel for the petitioner places reliance on two orders passed by this Court dated 14.10.2015 (Annexure P-1) in CRM-M-34323-2015 (Rajwinder Singh Vs. State of Punjab) and order dated 28.09.2015 in CRM-M-31171-2015 (Iqbal Singh Vs. State of Punjab), to contend that petitioner is similarly placed with his abovesaid two co-accused who were granted the concession of bail pending trial. He also places reliance on some zimini orders to contend that no prosecution evidence is being produced for the last about 05 months without there being any justification and in such a situation, petitioner is also entitled for bail. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from HC Sukhwinder Singh, Police Station City Kotkapura, Faridkot, submits that case of the present petitioner is clearly distinguishable from his abovesaid co-accused namely Rajwinder Singh and Iqbal Singh, because the petitioner is facing two more FIRs under the NDPS Act. He also submits that out of 18 PWs, 16 PWs have already been examined and the remaining 02 PWs have been summoned for 21.12.2015. Trial is likely to conclude in the near future. Learned counsel for the State would next contend that there is a heavy recovery effected in the present case, because of which the petitioner is not entitled for bail pending trial, at this stage. He prays for dismissal of the present petition.

After hearing the learned counsel for the parties at considerable length, careful perusal of the record of the case and giving thoughtful consideration to the contentions raised, this Court is of the considered opinion that keeping in view the totality of facts and circumstances of the case, noticed hereinabove, petitioner has not been found entitled for bail pending trial, at this stage.

It is a matter of record that the contentions raised by learned counsel for the State that the petitioner is facing two more FIRs under the NDPS Act itself has gone undisputed. It is not in dispute that out of 18 PWs, 16 PWs have already been examined and only 02 PWs are left to be examined who have been summoned for 21.12.2015. In this view of the matter, trial is going to conclude in the near future. It is also not in dispute that a heavy recovery of commercial quantity has been effected in the present case.

In view of the above and without commenting anything further on merits at this stage, case of the present petition has not been found at par with his abovesaid co-accused namely Rajwinder Singh and Iqbal Singh. No case for bail pending trial has been made out.

Dismissed.

[RAMESHWAR SINGH MALIK]
JUDGE

08.12.2015
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