

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

**C.R.M-M No.5075 of 2015
Date of Decision : 23.02.2015**

Harwinder Singh @ Binder

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. P.S. Dhaliwal, Advocate
for the petitioner.

Ms. Amarjit Kaur Khurana, Addl.A.G., Punjab.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.7 dated 11.02.2014 registered under Sections 21, 22, 61, 85 of the N.D.P.S. Act at P.S. Bhadaur, District Barnala.

Learned counsel for the petitioner has relied upon the order dated 13.10.2014 passed in CRM-M-34548-2014 wherein the following order was passed:-

“The petitioner seeks grant of regular bail in case FIR No.7, dated 11.2.2014, registered under Section 21/22/61/85 of the NDPS Act, at Police Station Bhadaur, District Barnala.

Counsel for the petitioner states that no recovery was made from the petitioner and that he has now been in custody since 14.2.2014.

Counsel for the respondent, on instructions from ASI Ranjit Singh, states that out of 5 witnesses, 1 witness has been examined and another witness has been examined-in-chief, and that the prosecution shall conclude its entire evidence on or before 24.12.2014.

In the circumstances, I do not deem it appropriate to grant bail to the petitioner. Consequently, this petition is dismissed. It is, however, clarified that in case the entire evidence is not concluded by the prosecution on or before 24.12.2014, the trial Court is directed to release the petitioner on bail to its satisfaction.”

Learned counsel for the petitioner while relying upon the aforesaid judgment states that on parity if the petitioner is the co-accused he should also be released on bail.

Learned Additional Advocate General on instructions from ASI Paramjit Singh states that it is not a case of complete parity because the recovery of contraband was made from the possession of the petitioner and in the case cited above the recovery was not made from that accused. She however states that the case is fixed for tomorrow i.e. 24.02.2015 and only two witnesses remain and since they are official witnesses the prosecution shall examine both those witnesses tomorrow only and till that time the bail should not be granted to the petitioner.

I find this to be a fair request. In the circumstances, in view of the undertaking given by the learned Additional Advocate General, it is directed that in case the two official witnesses do not appear tomorrow to

give their testimony the petitioner be released on bail to the satisfaction of the trial Court.

Petition stands disposed of in the above terms.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

A copy of this order be given to the learned counsel for the parties under the signatures of the Bench Secretary.

February 23, 2015

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**(AJAY TEWARI)
JUDGE**