

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

CRM No.M-6079 of 2015 (O&M)

Date of decision: 02.03.2015

Gurnaib Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. C.S. Rana, Advocate for the petitioner.

Mr. Nikhil K. Chopra, DAG, Punjab.

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TEJINDER SINGH DHINDSA, J.

The instant petition has been filed under Section 439 Cr.P.C. seeking regular bail to the petitioner in FIR No.245 dated 25.08.2014 under Sections 15/18/21/22/27-A/28/29/30/61/85 of the NDPS Act and Sections 42 and 52-A of the Prisons Act registered at Police Station City Ferozepur, District Ferozepur.

Counsel for the parties have been heard.

Concededly, it is a case of no recovery. FIR was registered on the allegation that smuggling, sale and purchase of intoxicants is being undertaken by the jail inmates in connivance with the jail authorities.

Even though, investigation in the case is complete and the challan stands presented. Trial is at the initial stage.

Learned State counsel would oppose the prayer for grant of regular bail on the ground that the petitioner is a habitual offender and is involved in two other cases i.e. FIR No.105/2012 under Sections 307/341/120-B/148/149 IPC registered at Police Station City Faridkot and FIR No.253/2009 under Sections 302/201 IPC and 27 of the Arms Act registered at Police Station Faridkot.

Counsel appearing for the petitioner would submit that in relation to FIR No.253/2009, the petitioner already stands convicted and is serving the sentence awarded. Insofar as FIR No.105/2012 is concerned, it is submitted that such case was registered while the petitioner was in custody and undergoing sentence in FIR No.253/2009. Counsel further submits that in FIR No.105/2012, petitioner has already been granted bail by this Court on 12.08.2014.

Keeping in view the totality of circumstances, this Court is of the considered view that the petitioner is entitled for the benefit of regular bail. Such view is being taken for the reasons that co-accused namely Sher Singh, Swaran Singh, Baljinder Singh and Deepak Khurana @ Deepu have already been granted the benefit of regular bail by this Court in the light of order dated 29.01.2015 passed in CRM No.M-38291 of 2014 and other connected petitions (Annexure P-2).

For the reasons recorded above, petition is allowed. Petitioner be enlarged on bail subject to the satisfaction of CJM, Ferozepur.

Disposed of.

02.03.2015

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**