

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Crl. Misc. No. M-28583 of 2016
Date of Decision:-24.08.2016

Kulwant Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr.P.S. Sekhon, Advocate for the petitioner.

Mr.Gurinderjit Singh, DAG, Punjab.

HARI PAL VERMA J.(Oral)

Prayer made in the present petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.77, dated 30.11.2015, for offence punishable under Section 15 of the NDPS Act, 1985, registered at Police Station Dharamgarh, Distt. Sangrur.

Learned counsel for the petitioner contends that in the aforesaid FIR, the police has found the petitioner innocent repeatedly and it is on the basis of application filed under Section 319 Cr.P.C., he has been summoned as an additional accused. He further submits that the petitioner is ready to face trial and shall not hamper the investigation or delay the trial in any manner. He relies upon a judgment of this Court in the case of **Baljinder Singh and another Vs. State of Punjab, 2015(3) R.C.R.(Criminal) 950** to contend that when the petitioner has been summoned as an additional accused to face the trial, he is entitled to be released on anticipatory bail.

Learned counsel for the State, on instructions from ASI-

Basant Singh, submits that it is during the cross-examination of Head Constable-Gursewak Singh, the name of petitioner has come into the picture.

Heard.

There is no dispute that the Court is fully empowered to summon a person as an additional accused on an application filed under Section 319 Cr.P.C., but considering the fact that on earlier two occasions, the petitioner has found innocent by the police and it is only on the basis of statement of eye-witness, namely, Head Constable-Gursewak Singh, his name came into the picture, the petitioner deserves to be admitted on anticipatory bail.

Accordingly, in case the petitioner surrenders before the trial Court on 26.08.2016 i.e. the date already fixed before the trial Court, the trial Court shall admit the petitioner on bail subject to his furnishing heavy bail bonds/surety bonds to its satisfaction.

The trial Court may impose any other condition which it may deem fit and appropriate in the peculiar facts and circumstances of the case.

It is made clear that petitioner shall not hamper the investigation or delay the trial in any manner.

The petition is disposed of accordingly.

(HARI PAL VERMA)
JUDGE

August 24, 2016
Anjal

Whether speaking/reasoned?

Yes/No

Whether reportable?

Yes/No