

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

CRM-M No. 13152 of 2017 (O&M)

Date of Decision: 26.05.2017

NISHAWAR SINGH

-PETITIONER

VS

STATE OF PUNJAB

-RESPONDENT

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Rajesh Kumar Dadwal, Advocate
for the petitioner.

Mr. Shilesh Gupta, Additional A.G., Punjab.

RAJ MOHAN SINGH, J. (ORAL)

Petitioner seeks regular bail under Section 439 Cr.P.C. in case bearing FIR No.42 dated 11.09.2016 under Sections 22/25/61/85 of NDPS Act, registered at Police Station Budhlada, District Mansa.

FIR No.27 dated 05.05.2014 was registered against the petitioner for the offence under Section 382 IPC in Police Station Budhlada, District Mansa. Petitioner was declared as proclaimed offender in the said FIR. Another FIR No.30 was registered against the petitioner on 08.05.2014 in Police Station Budhlada for the offence under Section 399/402 IPC and Section 25 of the Arms Act in which the petitioner was granted anticipatory bail by the High Court vide order dated 08.12.2014.

Learned counsel for the petitioner stated that even after grant of anticipatory bail, petitioner was treated to be proclaimed offender in aforesaid FIR No.30. On 07.09.2016, SI Makhan Singh raided the house of the petitioner in both the aforesaid cases. On account of opposition shown by the villagers, FIR No.68 dated 07.09.2016 came to be registered in Police Station Dharamgarh, District Sangrur for the offences under Sections 353, 186, 332, 224, 225, 212, 216, 148, 149 IPC and Section 25 of the Arms Act. Thereafter, petitioner along with Sultan Singh went to the police station and the petitioner surrendered before SI Makhan Singh on 10.09.2016 but the petitioner was not shown arrested in aforesaid FIR No.27, 30 and 68 rather FIR No.42 was registered against the petitioner under Sections 22/25/61/85 of NDPS Act on 11.09.2016.

Learned State counsel on instructions from ASI Mela Singh submitted that the petitioner was arrested in FIR No.27 on 13.09.2016. His arrest in FIR No.30 was shown on 14.09.2016 and he was shown arrested in FIR No.68 on 19.09.2016 in which aforesaid SI Makhan Singh is the complainant.

CRM-M No.14161 of 2017 was filed by Sultan Singh who is relative of the petitioner, highlighting all these facts and sought necessary directions for proper investigation of the case. In the said case, vide order dated 26.04.2017, this Court has

disposed of the petition by obligating the official respondent to take notice of the situation as pleaded by the petitioner Sultan Singh and pass appropriate order in accordance with law.

In the light of aforesaid facts, I deem it appropriate to enlarge the petitioner on regular bail.

In view of above, the petition is allowed. Petitioner is ordered to be released on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court.

Nothing expressed hereinabove would be construed to be an opinion on the merits of the case.

May 26, 2017
jyoti Y.

(RAJ MOHAN SINGH)
JUDGE

Whether reasoned/Speaking : Yes/No

Whether reportable : Yes/No