

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-1639 of 2017 (O&M)

Date of Decision: 27.02.2017

Balkaran Singh @ Karni @ Rabb

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. O.P. Kamboj, Advocate
for the petitioner.

Mr. Jashanpreet Singh, A.A.G., Punjab.

SURINDER GUPTA, J.(Oral)

CRM No. 5685 of 2017

Application is allowed and order dated 22.11.2016 passed by Addl. Sessions Judge, Fazilka as Annexure P-4 is taken on record subject to just all exceptions.

CRM-M-1639 of 2017

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 119 dated 22.10.2013 registered for offences punishable under Sections 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and 467, 468 and 471 of Indian Penal Code, at Police Station Sadar Abohar, District Fazilka.

Co-accused Gurmeet Singh was released on bail by the Additional Sessions Judge, Fazilka vide order dated 22.11.2016 passed in Bail Application No. 1222 of 2016, which reads as follows:-

“This order of mine shall dispose of regular bail

application filed by accused/applicant in case FIR No. 119 dated 22.10.2013, under Sections 15/61/85 of NDPS Act and 467/468/471 of IPC, P.S. Sadar Abohar. Notice of this application was issued to the State.

2. *As per the prosecution version, the FIR in this case has been registered against the applicant-accused on the grounds that he was apprehended in the area of village Gadda Dob and 50 kgs of poppy-husk was recovered from his possession. There are also allegations against the applicant-accused that he forged the RC of Canter with intend to commit fraud. Hence the present FIR has been registered against the applicant-accused.*

3. *Learned counsel for the applicant-accused argued that earlier regular bail application was moved by the applicant-accused to this Court which was got dismissed and after that the applicant-accused moved the regular bail application to the Hon'ble High Court, Chandigarh. The petition was disposed off on 28.07.2016 with the direction to the trial court to record the entire evidence on or before 27.10.2016 and till such time bail should not be granted to the petitioner. If the prosecution does not lead its entire evidence on or before 27.10.2016, the petitioner be released on bail to the satisfaction of the trial court. Hence he prayed for regular bail of the applicant-accused.*

4. *Upon notice, learned Addl. PP for the State appeared but he has not filed any written reply to the present*

application but he orally opposed the bail application on the grounds that the allegations against the applicant-accused are of serious in nature and prayed for dismissal of the same.

5. *Heard. Record perused. As per order dated 28.07.2016 passed by the Hon'ble Punjab and Haryana High Court, Chandigarh in CRM-M No. 18181 of 2016, this court has been directed that in case the prosecution does not lead its entire evidence on or before 27.10.2016 (subject to the petitioner not obstructing the same) the petitioner be released on bail to the satisfaction of the trial court. There is nothing on record from which it could transpire that the accused obstructed the trial of this case during the period from 28.07.2016 to 27.10.2016. From perusal of the main file it transpires that the prosecution failed to conclude its entire evidence till today. Therefore, keeping in view the above said order passed by the Hon'ble Punjab and Haryana High Court, Chandigarh, the present bail application of the applicant-accused is allowed and applicant-accused Gurmeet Singh is ordered to be released on bail on his furnishing bail bonds and surety bonds in the sum of ₹1,00,000/- with two sureties of the like amount each with the conditions that he shall not temper with the prosecution evidence nor he shall leave India without prior permission of the Court. Bail application file be attached with the main file.”*

In view of the above and applying the principle of parity, the present petition is allowed. Petitioner-Balkaran Singh @ Karni @ Rabb is

ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- (c) He shall not leave the country without the previous permission of the Court.

February 27, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No