

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

CRM-M-25616-2017
Date of decision: 1.9.2017

Tarsem Singh alias Somi

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. Amit Choudhary, Advocate
for the petitioner.

Mr.Gaurav Bansal, AAG, Haryana.

H.S. MADAAN, J.

This petition has been filed for the grant of regular bail to the petitioner – Tarsem Singh @ Somi, an accused in FIR No.406 dated 15.7.2016, under Sections 15 and 27-A of NDPS Act and 147, 149, 186, 224, 225, 332, 353 IPC registered at Police Station Ratia, District Fatehabad.

Briefly stated, the facts of the case as per prosecution version are that the on 15.7.2016, a police party from Police Station Ratia was present in front of Police Post Brahamnwala in connection with patrolling. At about 8:30 a.m., ASI Devi Lal Incharge of the police party received a secret information that Jagsir @ Ghunghru son of Ajmer Singh, Caste Majbi Sikh, resident of Brahamnwala was coming in his car bearing registration No.DL-8CN-4804 with poppy husk and poppy seeds and he

could go to his house or towards Punjab side. Ruqa was accordingly sent to the police station. A picket was laid. The car was seen coming going towards the plots of the village. The police party started chasing the car. Ajaib Singh – Sarpanch of village Brahmanwala was asked to reach house of Jagsir Singh. When the police party reached house of Jagsir Singh, then Jagsir Singh was seen going to a room after unloading the bags from the car. Thereafter, he started running. Nisha Rani wife of Jagsir Singh helped him in escape. Nisha Rani after breaking the glasses of photographs installed in the room started making noises. In the meanwhile, Ajaib Singh – Sarpanch arrived there. Thereafter, Jailo Bai wife of Chuhar Singh, Tarsem Singh son of Gurmeet Singh, Fauji, residents of Ratia, Harjinder son of Jagrup Singh, resident of Brahmanwala along with 5-6 other persons attacked the police party and caused injuries to ASI Devi Lal and Aadram. Jagsir alias Ghunghru escaped from the police party. The pieces of glasses lying on the surface struck the feet of police officials. Thereafter, all the persons present at the spot except Ajaib Singh ran away. The scene of the incident was got photographed with the help of mobile phone. Search of house of accused was conducted which revealed presence of a bunker which was covered with a sheet on which a cooler was placed. Six bags of poppy straw were found including one from cooler. The car was searched which was found to contain one bag filled with poppy straw. Samples of 100 gms. each were taken from each of the bags and weight of the residue was found to be 19 kgs. 800 gms. in six bags, 9 kgs.800 gms in seven bags, 12 kgs.800 gms in four bags and in fifth bag 7 kgs.800 gms. The case property was taken into possession. The

petitioner surrendered in this case on 9.5.2017. Co-accused of petitioner namely Jailo Bai and Nisha are stated to have been granted regular bail by this Court. The petitioner had moved an application for regular bail but was unsuccessful and the same was dismissed vide order dated 23.6.2017 passed by learned Additional Sessions Judge -I, Fatehabad. Hence the present petition.

Notice of the petition was given to the State and State counsel has put in appearance.

I have heard learned counsel for the petitioner and learned State counsel besides going through the record.

The petitioner is stated to have surrendered before the police on 9.5.2017 after dismissal of his petition for grant of pre-arrest bail.

Learned counsel for the petitioner has contended that no offence under Section NDPS Act is made out against the present petitioner. His co-accused Nisha wife of Jagsir Singh, accused has been granted regular bail by this Court vide order dated 31.1.2017. Jailo Bai has also been granted regular bail by this Court vide order dated 10.3.2017. As such, he be granted regular bail. Whereas this request of learned counsel for the petitioner is opposed by learned State counsel but I find that keeping in view the facts and circumstances of the case and that there are no allegations as regards carriage or possession of contraband against the present petitioner with respect to the case in hand. The allegations are that he along with others had attacked the police party helping Jagsir Singh in running away. Though Jagsir Singh did indulge in criminal acts of serious nature but then keeping in view the fact that the

petitioner is behind bars since 9.5.2017 i.e. for about four months and two of his co-accused have been granted concession of regular bail by this Court, his case being at par with them and further that his guilt shall be determined during the trial and his further detention shall not serve any useful purpose. I find it a fit case to grant regular bail to the petitioner.

Accordingly, the petition is allowed. The petitioner be admitted to bail during the pendency of the trial, subject to his furnishing bail bonds and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate, Fatehabad. The trial Court may impose any term and condition found suitable to ensure that the petitioner does not abscond and give any threat or intimidation to the prosecution witnesses.

This petition stands allowed accordingly.

1.9.2017
Brij

(H.S. MADAAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No