

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc.-M No.45320 of 2016.

Date of Decision: February 28, 2017

Surjit Singh

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDIP AHLUWALIA.

Present: Mr.Gautam Dutt, Advocate, for the petitioner.

Ms.Reeta Kohli, Additional AG, Punjab.

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Surya Kant, J. (Oral)

This is the second petition filed by the petitioner under Section 439 Cr.P.C. seeking his enlargement on bail in a case FIR No.56 dated 15.05.2013 registered under Sections 379, 411, 473, 468, 471, 120-B IPC and 21, 22, 25, 25-A, 27, 29, 61, 85 of NDPS Act and 25, 54, 59 of the Arms Act, at Police Station, Banur, District Patiala.

[2] According to the FIR version, the Police Patrolling Party received secret information in respect of a 'gang' involved in stealing vehicles which were being used with forged number plates for the supply of contrabands. The informer told the patrolling party that the members of the gang were travelling in a 'Verna' Car affixing fake number plate, from Amritsar to Delhi via Kharar. The vehicle was intercepted and driver of the Car was arrested. Further investigation in the matter led to involvement of various other suspects including the petitioner whose name surfaced in the statement of a private independent witness.

[3] The petitioner was arrested on 23.08.2013. He was granted bail by the Special Court on 28.03.2014 but after framing of charges on

05.08.2014 when he was charged under Section 29 of the NDPS Act, the petitioner's bail application was declined and he was taken into custody.

Since then, the petitioner is in custody.

[4] Earlier, the petitioner moved Criminal Misc.-M No.34902 of 2015 but the same was dismissed on 07.10.2015.

[5] The petitioner's case is that there is no case registered against him under the NDPS Act except the case in hand in which he is implicated by virtue of Section 29 of the Act and he is in custody from the last about three years; the trial is not likely to be concluded shortly as more than 30 witnesses are yet to be examined; meanwhile the Enforcement Directorate has applied for transfer of trial from Mohali to Special Court at Patiala and the trial Court is now seized with the application.

[6] Learned State counsel opposes the petitioner's prayer primarily on the ground that he is involved in dozen of cases registered under Section 379, 411, 399, 402, 420, 465, 467, 468, 471 IPC, the details of which are given in the status report dated 14.02.2017. Some of those cases have either been cancelled and/or the petitioner has got bail.

[7] It is true that the petitioner is involved in several theft cases but having regard to the period already spent by him in custody and the fact that conclusion of trial will take time for the reasons briefly noticed above, coupled with the fact that there is no other case under NDPS Act registered against him and as such rigors of Section 37 of the Act are not attracted, we are inclined to release the petitioner on bail without expressing any views on the merits of the allegations levelled against him.

[8] Ordered accordingly.

[9] The petitioner is directed to be released on bail subject to his

furnishing bail bonds to the satisfaction of the trial Court at Mohali.

[10] However, owing to the fact that the petitioner is involved in various theft cases registered against him in different police stations beyond the State of Punjab, it is directed that he shall not leave the area of jurisdiction of the Court where he is facing trial, namely, at present SAS Nagar Mohali and he shall be required to mark his presence on every alternative day at Police Station Sohana, District SAS Nagar Mohali. In case the trial is transferred to Special Court at Patiala, in that event the petitioner shall not leave the area of jurisdiction of the Special Court, Patiala and then he will be required to mark his presence on every alternative day at Police Station Banur, District Patiala.

[SURYA KANT]
JUDGE

February 28, 2017
mohinder

[SUDIP AHLUWALIA]
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No