

Khushal Singh @ Khushali

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTALPresent: Mr. S.P.S. Sidhu, Advocate
for the petitioner

Mr. Kirat Singh Sidhu, DAG Punjab

Sudhir Mittal, J. (Oral)

The petitioner seeks grant of regular bail in case FIR No. 161 dated 29.09.2017 under Sections 21, 25, 27-A, 29 of the NDPS Act, 1985 and Section 25 of the Arms Act, 1959 and Sections 307, 353, 352, 186 IPC registered at Police Station Sadar Patti, District Tarn Taran.

Learned counsel for the petitioner submits that the petitioner was not arrested at the spot. His name has been involved on the basis of the statement of the co-accused viz. Lal Singh, real brother of the petitioner. The petitioner has been in custody since 15.12.2017. The investigation is complete but the trial is not likely to be concluded at an early date as number of PWs remained to be examined. It is further submitted that the petitioner is not a habitual offender and that there is only one other case registered against him under the NDPS Act, 1985, in which he has been granted default bail.

Custody certificate dated 06.10.2018 prepared by Sh. Vipanjit Singh, Deputy Superintendent, Central Jail, Ferozepur, has been filed in the Court today and the same is taken on record. A copy thereof has been supplied to learned counsel for the petitioner. According to this certificate, the petitioner has undergone

actual custody of nine months and twenty one days. There is one more case

registered against the petitioner under the NDPS Act, 1985, but in the said case he has been released on bail. There is another case under the Excise Act pending against him, apart from third case under the Excise Act in which he has been acquitted.

Learned State counsel submits that another case under the NDPS Act, 1985, is pending against the petitioner and, thus, he does not deserve to be released on regular bail.

However, it is admitted that the investigation is complete and the trial has commenced. Out of 39 PWs, only one has been examined till date.

From the submissions of the parties, it is evident that the investigation in this case is complete but the trial is not likely to be concluded at an early date. In the second case registered against the petitioner under the NDPS Act, 1985, he has been granted default bail, which shows that the police does not have enough evidence against him. The pendency of the case under the Excise Act is not a very serious matter, especially when in another case under the same Act the petitioner has been acquitted.

Accordingly, the petition is allowed and the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court concerned.

October 08, 2018

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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No