

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-33666-2018

Date of decision: 13.08.2018

Gurpreet Singh @ Zippi

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Siddharth Gupta, Advocate
for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.352 dated 01.11.2016 under Sections 22/61/85 of NDPS Act, Sections 25/54/59 of Arms Act and Section 411 IPC (added later on), registered at Police Station City Barnala, District Barnala.

Learned counsel for the petitioner submits that co-accused of the petitioner namely Ranjodh Singh @ Jodha @ Bhola has been granted the concession of regular bail, by passing the following order on 29.01.2018 in CRM-M-38065-2017: -

“In this petition, the petitioner seeks his release on regular bail in F.I.R. No.352, dated 01.11.2016, under Sections 22/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985, Sections 25/54/59 of the Arms Act, and Section 411 of the Indian Penal Code, registered at Police Station City Barnala, District Barnala.

2. *Seen the Reply of the Deputy Superintendent of Police, Sub Division Barnala, filed on behalf of the State.*

3. *It transpires that the petitioner is involved in eight more criminal cases. He was convicted in three of those cases, bearing F.I.R. No.346, dated 31.10.2016, F.I.R. No.351, dated 01.11.2016 and F.I.R. No.74, dated 16.03.2017. But none of the aforesaid cases involve any offence under the Narcotic Drugs and Psychotropic Substance Act, 1985.*

4. *Interestingly, the present F.I.R. was one of the three separate F.I.Rs. drawn up against the petitioner in the same Police Station on the same date, i.e. 01.11.2016, and one day earlier, he was also implicated in F.I.R. No. 346.*

5. *In the given circumstances, the petitioner's allegation of having been motivatedly implicated by the Police Authorities of a particular Police Station cannot be discarded outright.*

6. *It further transpires that as many as eighteen witnesses have been cited in the challan submitted in the case. Trial commenced with framing of charge on 19.03.2017 followed by evidence starting from 19.04.2017. Over this period, only one witness from the prosecution side has been examined. As such, there is little likelihood of an expeditious completion of trial in near future.*

7. *Considering all these circumstances, the present petition is allowed and the petitioner, namely Ranjodh Singh @ Jodha @ Bhola son of Kulwant Singh, is directed to be released on regular bail subject to appropriate terms and conditions to the satisfaction of the Ld. Trial Court/Illaq Magistrate, concerned.”*

Learned counsel for the petitioner further submits that out of five FIRs registered within a span of three days in the same police station, the petitioner stands acquitted in one case and he has undergone the sentence in two cases.

Learned State counsel has filed the custody certificate in the Court

today and a perusal of the custody certificate shows that present FIR, along with three other FIRs, pertains to the same police station.

Without commenting anything further on merits of the case, considering the fact that other FIRs are not registered under the NDPS Act and conclusion of the trial will take some time and also in view of the fact that co-accused of the petitioners have already been released on regular bail, this petition is allowed and the petitioner, who is in custody for the last 01 year, 09 months and 09 days, is also directed to be released on regular bail subject to furnishing his bail/surety bond to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

13.08.2018
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No