

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

CRM-M-37681-2018 (O&M)

Date of Decision:- 1.10.2018

Paramjit Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

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

Ms. Simranjeet Kaur, AAG, Punjab.

GURVINDER SINGH GILL, J. (Oral)

Petitioner Paramjit Singh has filed this petition seeking grant of regular bail in respect of a case registered against him vide FIR No.17 dated 24.2.2015 under Section 22 NDPS Act, Police Station Lakho Ke Behram, Ferozepur.

The allegations, in nutshell, are that on 24.2.2015 when a police party headed by ASI Balvinder Pal was patrolling it came across the petitioner Paramjit Singh and his co-accused Karan Kumar in the area of Village Guddar Dhandi, near bridge on a canal. The said persons, upon noticing the police party, tried to turn back but were apprehended on the basis of suspicion. While search of accused Karan Kumar yielded recovery of 200 grams of intoxicant powder, search of petitioner Paramjit yielded

recovery of 300 grams of intoxicant powder wrapped in a polythene paper. Upon chemical analysis, the said powder was found to be 'Alprazolam'. Subsequently, the petitioner as well as the co-accused were released on bail but the petitioner jumped bail on 31.5.2016. Later he was declared a Proclaimed Offender on 28.10.2016 and it was on 19.7.2017 that he was arrested and by which time the trial against co-accused Karan Kumar had concluded and who stands acquitted vide judgment dated 6.6.2017 passed by learned Special Court, Ferozepur.

Learned counsel for the petitioner has submitted that he has been falsely implicated in the present case which stands fully substantiated from the fact that the co-accused has been acquitted. It has further been submitted that in any case the petitioner has been behind bars since the last one year and 4 months and as such he deserves the concession of bail.

On the other hand, learned State counsel has submitted that since it is a case of recovery of 'commercial quantity' of contraband and that the petitioner had earlier absconded, there is no case for grant of regular bail.

I have considered the rival submissions addressed before this Court. It is certainly a fact that the petitioner had earlier been declared a proclaimed offender and it was on 19.7.2017 that he was re-arrested. However, at the same time this Court cannot lose sight of the fact that identically situated co-accused Karan Kumar has since been acquitted vide judgment dated 6.6.2017 passed by Special Court, Ferozepur. A perusal of the said judgment reveals that the trial court while relying upon CCTV footage from a camera installed in a shop opposite to the shop of co-accused Karan Kumar had reached at a conclusion that co-accused Karan Kumar had

been picked up by the police on the day of occurrence from his shop, necessarily indicating that the stand of the prosecution that the co-accused and the present petitioner had been apprehended in the area of a bridge of canal in area of village Guddar Dhandi is not a truthful version. It is no doubt correct that the case of the present petitioner has to be independently assessed on the basis of evidence led independently by the prosecution, but the aforesaid findings recorded by the trial court in the case of co-accused cannot be absolutely overlooked. It has also been informed that the petitioner is not a previous convict and is not involved in any other identical case.

Having regard to the facts and circumstances of the case, more particularly the findings recorded in the judgment of acquittal of the co-accused, in my opinion it is a fit case for grant of regular bail. The petition, as such, is accepted. Petitioner Paramjit Singh is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court.

It is, however, clarified that none of the observations made above shall be taken to be an expression on merits of the main case and the trial Court shall proceed to decide the trial independently.

October 1, 2018

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**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No