

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-783-2018

Date of decision: 24.01.2018

Tarsem Singh @ Sema

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Tarun Jhatta, Advocate
for the petitioner.

Mr. Abhay Pal Singh Gill, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.231 dated 20.11.2016 under Section 22 of NDPS Act, registered at Police Station City South Moga, District Moga.

Learned counsel for the petitioner submits that prior to registration of present FIR No.231, one more FIR No.229 dated 19.11.2016 under Section 384 IPC was registered against the petitioner at the instance of one Gaurav Gupta. Counsel for the petitioner further submits that in aforesaid FIR No.229, the petitioner faced the trial and was acquitted. Counsel for the petitioner relies upon the statements of PW4 ASI Santokh Singh and PW3 HC Gurdev Singh (both recorded during the trial of FIR No.229), to submit that it has come in the statement of PW3 HC Gurdev Singh that the petitioner was arrested in FIR No.229 on 18.11.2016. Learned counsel for the petitioner has further submitted that in view of the statement of HC Gurdev Singh, arrest of the petitioner in FIR

No.231, on 20.11.2016 at a public place, by the police during patrol duty, is highly suspicious. It is further submitted that the petitioner has already undergone 01 year, 01 month and 25 days of judicial custody and out of 12 prosecution witnesses, only one witness has been examined.

Learned State counsel, on instructions from ASI Charanjit Singh, has not disputed the fact that the petitioner was an accused in FIR No.229 and stands acquitted in the said FIR. It is not disputed that HC Gurdev Singh appeared as PW3 in aforesaid FIR No.229 and stated that the petitioner was arrested on 18.11.2016. It is also not disputed that out of 12 PWs, only one witness has been examined and as per custody certificate, petitioner is in judicial lockup for the last about more than 01 year, 01 month and 25 days.

Without commenting on merits of the case, considering the fact that both the FIRs No.229 and 231 pertain to the same police station; petitioner is in judicial lockup for about 01 year and 02 months; only one witness has been examined out of 12 prosecution witnesses; the trial is moving at a very slow pace and also in view of the fact that the petitioner is not involved in any other case under the NDPS Act, this petition is allowed and the petitioner is directed to be released on bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

24.01.2018
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No