

Crl. Misc. No. M-32609 of 2018

(1)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-32609 of 2018

DATE OF DECISION:01.02.2019

Gurdev Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. K.B. Raheja, Advocate
for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

DAYA CHAUDHARY, J.

The present petition under Section 439 Cr.P.C. has been filed by petitioner-Gurdev Singh for grant of regular bail to him in case FIR No. 159 dated 24.7.2015 registered under Section 29,61,85 of NDPS Act at Police Station Kotwali, District Faridkot, during pendency of the trial.

Learned counsel for the petitioner contends that the petitioner has nothing to do with the supply of drugs and allegations were there against co-accused-Pargat Singh, who is son of the petitioner. The only allegation against the petitioner is that his bank account was used for facilitating payments by his son. An inquiry in this regard was conducted and legal opinion was also sought from District Attorney, Faridkot, wherein, it was opined that no offence was made out against the petitioner. Learned

counsel further contends that co-accused-Pargat Singh and Karamjit Singh were released on regular bail vide orders dated 4.1.2016 and 4.11.2015, respectively. Co-accused-Pargat Singh has expired during pendency of the proceedings. The petitioner is in custody since 21.2.2018. After completion of investigation, the case is now fixed for framing of charge on 8.2.2019. Trial may take long time to conclude and no purpose would be served by keeping the petitioner behind the bars.

Learned counsel for respondent-State has not disputed custody of the petitioner since 21.2.2018 and stage of the trial. It has also not been disputed that two co-accused have been released on regular bail.

Keeping in view the custody of the petitioner since 21.2.2018 and also the facts that two co-accused have been released on regular bail; charges are yet to be framed; trial may take some time to conclude and no purpose would be served by keeping the petitioner behind the bars, the present petition is allowed. Petitioner-Gurdev Singh is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate.

February 01, 2019
pooja

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No