

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

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CRM-M-33147-2019.

Date of Decision: 20.08.2019.

Pawan Singh

....Petitioner.

Versus

State of Punjab

....Respondent.

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. Sandeep Verma, Advocate for the petitioner.

Mr. Ramandeep Sandhu, Sr. Deputy Advocate General, Punjab.

Shekher Dhawan, J.

Present petition under Section 439 of the Criminal Procedure Code is for grant of regular bail to petitioner- Pawan Singh son of Jugraj Singh in case F.I.R. No.234 dated 26.12.2013 under Sections 382, 511 read with Section 34 of the Indian Penal Code and Section 22 of the N.D.P.S. Act, registered at Police Station City Moga, District Moga.

Learned counsel representing petitioner contended that the petitioner is in custody since 05.01.2019 and co-accused Sukhdeep Singh and Manjit Kaur were acquitted after trial on 18.10.2018 by learned Additional Sessions Judge, Moga, while observing that there were glaring defects in the investigation.

Learned counsel for the petitioner further contended that as per prosecution case, the petitioner was also travelling in the same car

allegations, 400 grams powder was recovered. Trial of the case still to take some more time and no useful purpose would be served by detaining the petitioner behind the bars, so he be released on bail.

Custody certificate filed by learned State counsel is taken on record.

Learned State counsel, on instructions from ASI Kulvir Singh, contended that the petitioner was earlier declared proclaimed offender on 05.09.2017 and he does not deserve the concession of bail.

At this stage, without commenting anything on the merits of the case, which may not cause prejudice to either of the parties at a later stage, but taking the above facts into consideration and the fact the petitioner is in custody since 05.01.2019, co-accused Sukhdeep Singh and Manjit Kaur have been acquitted after trial as per judgment dated 18.10.2018 passed by learned Additional Sessions Judge, Moga; trial of the case still to take some more time and no useful purpose would be served by detaining the petitioner behind the bars, the present petition is allowed. Petitioner—Pawan Singh, is ordered to be admitted to regular bail on his furnishing adequate bail bond and surety bond to the satisfaction of concerned learned trial Judge/ Chief Judicial Magistrate/ Duty Magistrate.

(SHEKHER DHAWAN)
JUDGE

20.08.2019
jitender

Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No