

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.19324 of 2020
Date of Decision: July 24, 2020

Amarjit Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

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

Mr. H.S.Sullar, DAG, Punjab.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, during trial in case FIR No.2 dated 06.01.2017, under Section 15 NDPS Act, 1985, registered at Police Station, Mamdot, District Ferozepur. The petitioner is in custody since his arrest on 13.05.2019.

As per the version in the FIR, on 01.06.2017, Gurdev Singh along with co-accused Jasvir Singh and Amarjit Singh were coming from the side of Fate Wala Uttar on vehicle make Xylo bearing registration No.PB-05Y-0785. When they were signaled to stop the vehicle by the police party present at the bridge of canal Rahime Ke Uttar, then Gurdev Singh perplexed and applied sudden break and started running towards the fields. He was apprehended, whereas two other accused managed to escape from the spot. On search, nine bags of poppy husk totalling 270 kilograms

(commercial quantity) was recovered from the vehicle. After completion of formalities, FIR was registered and the accused was arrested.

Learned counsel for the petitioner contends that the case of the petitioner is at par with his co-accused Gurdev Singh, who was extended the concession of regular bail vide order dated 07.05.2019 passed in CRM-M-19436-2019. He submits that the petitioner be released on regular bail.

During the course of hearing, it is not disputed by him that as per the prosecution, the petitioner ran away from the spot, whereas co-accused Gurdev Singh kept sitting in the vehicle when the vehicle was stopped by the police.

The prayer is opposed by the learned State counsel, who, on instructions from SI Mukhwinder Singh, has pointed out that in all there are three accused in this case and the petitioner, including his co-accused, Jasvir Singh ran away from the spot and, therefore, the case of the petitioner is distinguishable from the co-accused Gurdev Singh. He further states that the prosecution has examined all the witnesses and, therefore, the trial is likely to conclude in the near future. This fact is not disputed by the learned counsel for the petitioner.

As the trial is near its conclusion, no case is made out for grant of regular bail to the petitioner.

Petition is dismissed.

July 24, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No