

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

CRM-M-25696-2020

Date of decision: **8.9.2020**

HARDIK @ NONI @ HARDIT SINGH

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Rishu Mahajan, Advocate
for the petitioner.

Mr. Pawan Sharda, Senior DAG, Punjab.

(Proceedings conducted through video conferencing).

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioner seeks grant of regular bail in a case registered against him vide FIR No.115 dated 19.8.2015 under Sections 307/34 IPC, under Sections 25 of Arms Act and Section 21 of NDPS Act at Police Station Gate Hakima, District Amritsar.
2. As per the case of prosecution, a secret information was received by the police to the effect that Prahlad Kumar @ Manjha is a drug peddler and that various anti-social elements usually came to meet him in connection with the trading of 'Heroin'. The information was further to the effect that on the given day i.e. on 19.8.2015 Davinder Singh @ Ladi, Vikram Singh @ Banti, Satnam Singh @ Satta and another young person were

coming in a white coloured car bearing registration No.PB-02-BK-0917 and that in case checking is conducted then arms and intoxicating substance can be seized from them. Pursuant to aforesaid information the police swung into action. The car in question was seen and was signalled to stop but the same did not stop and tried to speed away and one of the occupants of the car fired bullet towards the police party. The car was followed by the police but the occupants of the car managed to escape while abandoning their car. Search of the car yielded recovery of a pistol 7.65 bore along with live cartridges and 450 grams Diphenoxylate Hydrochloride.

3. Learned counsel for the petitioner has submitted that he is not named in the FIR and has been falsely nominated as an accused on the basis of an alleged disclosure statement. It has further been submitted that the other co-accused namely Satnam Singh @ Satta, Vikram Kumar @ Bunty and Davinder Singh @ Sajjan Kalyan @ Laddi have since been granted bail by this Court and in these circumstances, the petitioner deserves same concession on the ground of parity.
4. Opposing the petition, the learned State counsel has informed that since the petitioner is a habitual offender and is involved in other cases and is undergoing sentence having been convicted in a case registered under NDPS Act, no case for grant of bail is made out. It has however been informed that the petitioner has been behind bars in the present case since the last about 1 year, 1 month and 20 days. The learned State counsel has not disputed the fact that other co-accused of the petitioner have since been released on bail.

5. I have considered rival submissions addressed before this Court.
6. Keeping in view the fact that the petitioner has been nominated as an accused on the basis of a disclosure statement made by co-accused Satnam Singh @ Satta, the veracity and admissibility of which would be debatable and also the fact that the other co-accused of the petitioner have already been released on bail, further detention of the petitioner will not serve any useful purpose as conclusion of trial is likely to consume some time as only 8 PWs out of cited 34 PWs have been examined. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(GURVINDER SINGH GILL)
JUDGE

8.9.2020
Gaurav Sorot

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No