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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-35327-2020 (O&M)

Date of Decision : 09.12.2020

Narpal Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Gaurav Rana, Advocate, for the petitioner.

MANOJ BAJAJ, J. (ORAL)

CRM- 29761-2020

The instant application is for pre-poning the date of hearing of the main petition to an early date, which is fixed for 12.01.2021.

Notice in the application.

At the asking of the Court, Mr. Joginder Pal Singh Ratra, DAG, Punjab accepts notice on behalf of the respondent-State and does not oppose the prayer.

Application is allowed and date of hearing is pre-poned to today.

Main Case

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.279 dated 10.08.2018 under Sections 420 465 467 468 471 of IPC, Police Station Division No.5 Ludhiana. The petitioner is in custody since his arrest on 12.09.2020.

The FIR was registered on the basis of order No.365 dated 26.06.2018 by Sh. Tarantaran Singh Bindra, ASJ, Ludhiana received in the police station Raikot, District Ludhiana for registration of FIR against Harpal Singh alias Pali and his brother Narpal Singh son of Gurdev Singh residents of Talwandi Rai regarding furnishing of death certificate of accused Harpal Singh @ Pali who has been reported to be alive and accused in FIR No 27 dated 18.03.2017 under Sections 22 and 29 Narcotic Drugs and Psychotropic Substances Act, 1985. In the above-said case on 24.11.2017 learned counsel for the accused Harpal Singh namely Sh S.P.S. Kanda, Advocate had informed the court that accused Harpal Singh has died on 09.11.2017. Copy of death certificate was placed on the file. This court had ordered the concerned police station for probing the matter regarding furnishing of death certificate of the accused. Report was received from local police to the effect that accused Harpal Singh is still alive. On these broad allegations, the present FIR was registered.

Learned counsel for the petitioner contends that as per FIR accused-Harpal Singh (brother of the petitioner) who was facing trial in case FIR No.279 dated 10.08.2018 produced his fake death certificate before the Court and as per prosecution the petitioner had given the said death certificate to the counsel of Harpal Singh. She submits that though the FIR was registered in August, 2018 but the petitioner was indicted as an accused later on. Learned counsel for the petitioner further contends that the co-accused Harpal Singh has already been released on regular bail by trial Court, therefore, the further custody of the petitioner may not be necessary as the investigation of the case is complete. He prays for grant of bail.

The prayer is opposed by learned State Counsel who is assisted by ASI Kulwant Singh on the ground that the petitioner was well aware that his brother is alive, but deliberately gave the fake death certificate to his counsel. However, it is not disputed by him that the co-accused Harpal Singh is on regular bail and the investigation of the case is also complete as the final report was filed on 09.11.2020.

Considering the above background and the fact that the offences are triable by Magistrate no useful purpose would be served by keeping the petitioner behind the bars. This Court is cognizant of the fact that the outbreak of global pandemic COVID-19 in the region may further delay the conclusion of trial. Admittedly, the petitioner is presently confined in judicial custody since his arrest on 12.9.2020 and his further detention may not be necessary for any useful purpose.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

09.12.2020
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(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No