

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

CRM-M-31280 of 2019.

Decided on:- September 07, 2020.

Randheer Singh.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Ms. Anupam Bhanot, Advocate
for the petitioner.

Ms. Monika Jalota, D.A.G., Punjab.

HARI PAL VERMA, J. (Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

Present is a second petition filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in FIR No.19 dated 16.02.2018 under Section 307 read with Section 34 IPC, Section 25 of the Arms Act, 1959 and Sections 21 and 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, the NDPS Act) registered at Police Station Harike, District Tarn Taran.

The earlier petition i.e. ***CRM-M-44976 of 2018*** titled as ***Randheer Singh Versus State of Punjab*** filed by petitioner for the same relief was dismissed as withdrawn vide order dated December 05, 2018 passed by this Court.

Learned counsel for the petitioner has argued that the petitioner is in custody for more than 2 years and 6 months. The elder brother of the petitioner has died on 29.03.2020. There is nobody in the family to look after the old mother and younger sister of the petitioner. The injury under Section 307 IPC has not been attributed to the petitioner, rather, is attributed to co-accused Jaspal Singh alias Pala, who was driving the motorcycle at the time of alleged incident. The present case has been planted by the police against the petitioner. Moreover, co-accused Jaspal Singh alias Pala was earlier known to Constable Shubh Pal Singh, who is injured in the case. The fire shot has been attributed to co-accused Jaspal Singh alias Pala. The recovery of 280 grams of heroin is marginal above the commercial quantity. The other recovery from co-accused is 900 tablets of Microlit. As against 21 witnesses cited by the prosecution, only 7 witnesses have been examined till date and the conclusion of trial will take sufficient long time.

Learned State counsel has filed the custody certificate, which is taken on record. On instruction from ASI Jatinder Singh, she has submitted that the recovered quantity of the contraband i.e. 280 grams heroin and 900 tablets of Microlit falls in commercial category. The petitioner and the co-accused have fired the police constable. Therefore, the petitioner is not entitled for bail.

I have heard learned counsel for the parties.

As per the custody certificate, the petitioner is in custody for the last 2 years, 6 months and 14 days. Only 7 witnesses have been examined in the case till date as against total 21 prosecution witnesses and in this manner, the trial is not likely to be concluded in near future. There is no other case

against the petitioner. Therefore, this Court finds that the petitioner deserves to be admitted on bail.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing adequate bail and surety bonds to the satisfaction of learned trial Court/Duty Magistrate.

However, in case the petitioner is found involved in any other case of similar nature, the prosecution shall be at liberty to seek cancellation of his bail during the trial.

The observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and the trial Court shall decide the case without being influenced with these observations in any manner.

September 07, 2020
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No