

In virtual Court

CRM-M-44725-2019

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-44725-2019 (O&M)
Date of decision: 27.10.2020

Gursewak Singh @ Bunty

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Ms. G.K. Mann, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.13 dated 10.01.2018 under Sections 399, 402, 473, 120-B IPC, Section 25 of Arms Act and Sections 22/29/61 of NDPS Act, registered at Police Station City Rajpura, District Patiala.

Learned counsel for the petitioner submits that as per allegations in the FIR, the police party received a secret information that one Ravinder Pal Singh @ Ghorra is released from jail some time back and he committed the murder at Tarn Taran and he along with his associates namely Gursewak Singh @ Bunty (petitioner), Raju and Bablu are armed with illegal weapons and are sitting under a bridge in an uninhabited area and are planning to commit big

robbery. Thereafter, the police party reached at the spot and arrested Ravinder Pal Singh @ Ghorra, Raju and Prem Kumar, however, the petitioner ran away from the spot. During the investigation of Ravinder Pal Singh @ Ghorra, he suffered a statement that he brought 01 kg of intoxicant powder from the petitioner and the same is kept near Pachhi Dara River, out of which some material was consumed by him. Thereafter, on the disclosure statement of Ravinder Pal Singh @ Ghorra, 520 grams of intoxicant powder was recovered. The petitioner was nominated as an accused on the basis of disclosure statement and was arrested, however, neither any weapon nor any narcotic substance was recovered from him.

Learned counsel for the petitioner further submits that the petitioner has been charged under Section 29 of NDPS Act and is in custody since 31.05.2018, however, the trial is not proceeding further. Learned counsel has placed on record a judgment dated 21.08.2019 passed by the Additional Sessions Judge, Tarn Taran, vide which the petitioner and other accused were acquitted in FIR No.177 dated 30.10.2017 under Sections 302, 120-B, 34 IPC, Police Station Patti, Tarn Taran. It is thus submitted that the trial is not proceeding and except the aforesaid evidence, nothing has come on record.

Status report by way of affidavit of Deputy Superintendent of Police, Sub Division Rajpura, District Patiala filed in the Court today, is taken on record.

Learned State counsel, on the basis of this affidavit, submits that the petitioner was named on the basis of disclosure statement of co-accused and after the arrest of accused persons from the spot, two country-made pistols, one

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iron kappa and a car was recovered. It is further stated that challan stands presented and thereafter, a supplementary challan was also presented against the petitioner and out of total 28 prosecution witnesses, none has been examined so far.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the fact that charges were framed way back on 29.03.2019 and till date, no prosecution witness has been examined; the petitioner stands acquitted in FIR No.177 under Section 302 IPC; he is in custody for the last more than two years and two of his co-accused namely Raju Bishnoi and Prem Kumar have been released on regular bail by the trial Court on 19.02.2018, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

**[ARVIND SINGH SANGWAN]
JUDGE**

27.10.2020
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No