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

CRM-M-10345-2021

Date of decision : 10.03.2021

Heera Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Ms. Priyanka Dalal, Advocate and
Mr. Anirudh Singh Shera, Advocate for the petitioner.

Mr. H.S. Multani, AAG, Punjab.

RAJ MOHAN SINGH, J. (ORAL)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.46 dated 16.06.2000 registered under Sections 18, 20/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Dhilwan, District Kapurthala.

Allegations are that the Maruti Car was caught by the Police Party. The car was brought to halt at Naka. Three of the occupants came out of the car and managed to escape through the fields. The driver was intercepted and apprehended by the

police party who disclosed his name as Gurlal Singh. The persons who had escaped were named as Paramjit Singh @ Pamma, Amolak Singh and the petitioner-Heera Singh. 5 Kg of opium and 22 KG of heroin were recovered from Gurlal Singh. The petitioner alongwith Amolak Singh and Paramjit Singh were nominated in the disclosure statement of Gurlal Singh.

The petitioner was declared as Proclaimed Offender on 23.10.2000. Gurlal Singh and Amolak Singh were tried before the Special Judge, Kapurthala. Both were convicted and sentenced by the trial Court. An appeal bearing CRA-S-2614-SB-2006 filed by Gurlal was dismissed, however, appeal bearing CRA-S-504-SB-2006 filed by Amolak Singh was accepted vide judgment dated 13.11.2009. Amolak Singh was acquitted of the charges. Co-accused Paramjit Singh has already expired before filing of the challan in the trial Court. The petitioner remained Proclaimed Offender for about 20 years. Now, he is in custody since 12.03.2020.

Learned counsel for the petitioner relies upon **Sudo Mandal @ Diwarak Mandal Vs. State of Punjab, 2011(2) RCR (Criminal) 453.**

At this stage, without advertng to the merits of the case and keeping in view the custody of the petitioner and acquittal of Amolak Singh vide judgment dated 13.11.2009, I

deem it appropriate to enlarge the petitioner on regular bail on parity with Amolak Singh who had escaped alongwith the petitioner from the car on the date of occurrence.

In view of above, the petition is allowed. Petitioner is ordered to be released on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

10.03.2021

Pawan

**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No