

In the High Court of Punjab and Haryana at Chandigarh

**CRM-M No. 14645 of 2020
Date of Decision: 06.4.2021**

Kuldeep Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Vipul Jindal, Advocate
for the petitioner.

Mr. Avtar Singh Sandhu, Addl. A.G, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

The petitioner seeks regular bail in FIR No. 217 dated 5.11.2018 under Section 25 of the Arms Act, 1959, Section 14 of Foreigners Act, 1946, Section 3 of Indian Passport Act, 1920 and Section 3 of Official Secrets Act, 1923, registered at Police Station Lopoke, District Amritsar Rural.

Custody certificate by way of affidavit of Deputy Superintendent, Central Jail, Amritsar dated 10.3.2021 filed through e-mail, is taken on record.

Learned counsel for the petitioner submits that the allegation against the petitioner is that he was to receive a consignment from Gulam Rasool and during interrogation of Gulam Rasool, a mobile phone was recovered from him and in the contact list of the said mobile phone, the name of the petitioner was found. He further submits that co-accused Gurlal

Singh was granted regular bail by this Court on 05.2.2020 whereas co-accused Dhir Singh was granted regular bail by the Additional and Sessions Judge, Amritsar on 27.1.2021. He further submits that the petitioner has been in custody for the last more 02 years and 04 months and there is no other case against him and out of 10 prosecution witnesses, no witness have been examined till date.

Learned State counsel while opposing the bail application, submits that the petitioner and the other co-accused is a gang of smugglers and the petitioner was to receive a consignment from Gulam Rasool and as per the mobile phone data of Gulam Rasool, name of the petitioner was found in his contact list. However, it has not been disputed that out of 10 prosecution witness, no witness has been examined till date and there is no other case against the petitioner.

As per custody certificate, the petitioner has been in custody for the last more than two years and four months. Co-accused Gurlal Singh and Dhir Singh have already been granted regular bail. Moreover, out of 10 prosecution witnesses, no witness has been examined so far. The trial will take time to conclude because of Covid-19 pandemic. No useful purpose would be served by keeping the petitioner behind the bars.

Without commenting anything on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

April 06, 2021
Gurpreet

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No