

CRM-M-31547-2021

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-31547-2021 (O&M)

Date of decision:07.10.2021

Gurmet Singh alias Geja

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Vishal Khatri, Advocate for the petitioner.

Mr. Bhupender Beniwal, AAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition under Section 439 Cr.P.C., the petitioner seeks regular bail in case bearing FIR No.259 dated 22.10.2013 registered at Police Station City Rajpura, District Patiala, under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

Learned counsel for the petitioner contends that the petitioner was declared as a proclaimed offender on 08.05.2014. He was arrested in the month of March 2020 and has been in custody for the last 1 year and 4 months. The co-accused Talwinder Singh alias Chandbir, who was arrested from the spot and from whom the alleged recovery of 500 grams heroin was effected, had already been acquitted by the trial Court vide judgment dated 25.03.2015. It is further submitted that the trial Court, while acquitting the co-accused, had drawn the conclusion that no effort seems to have been made by the Police to arrest the petitioner. The relevant extract of the findings recorded by the trial Court, would read as under: -

“.....Apart from present accused, there was one Gurmej Singh alias Geja son of Chuhar Singh, resident of Khabe

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Rajputtan, District Tarn Taran in the said car. However, both the accused started running away from the spot after stopping the car. Police party apprehended accused Talwinder Singh but accused Gurmej Singh alias Geja succeeded in running away from the spot. This story put forward by the prosecution does not appeal to the mind. Admittedly, there were seven police officials in the police party which had stopped the car in question. It is also not disputed that said police officials were armed with different weapons including fire arms. It cannot be believed that one of the accused ran away from the spot in presence of so many officials and he could not be apprehended. No statement of any official was allegedly followed said accused is there on the record. No intimation regarding absconding of any such person from the spot was given to the higher officials or control room to secure the arrest of said person. Even subsequently, no effort seems to have been made by the police to arrest him”

Learned State counsel opposed the prayer made in the present petition.

I have heard the learned counsel for the parties.

In the present case, the petitioner was not arrested on the spot and the recovery was effected from the co-accused, who was acquitted by the trial Court on 25.03.2015. Trial of the case would take time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

07.10.2021

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(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking? Yes/No
Whether reportable? Yes/No