

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

CRM-M-24839-2019(O&M)
Date of decision:-17.9.2021

Balwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr.Mohinder Kumar, Advocate
for the petitioner.

Ms.Bhavna Gupta, DAG, Punjab.

H.S. MADAAN, J. (Oral)

Case taken up through video conferencing.

This second petition for regular bail has been filed by petitioner Balwinder Singh, aged about 43 years, resident of village Gaggio Buha, District Tarn Taran, an accused in FIR No.01 dated 12.6.2017, under Sections 59(2)(b), 21, 22, NDPS Act read with Sections 218, 466, 471, 120-B, 384, 409, 482 IPC and Section 25 of Arms Act, registered with Police Station Special Task Force, Phase IV, S.A.S. Nagar (Mohali). The first petition filed by the petitioner/accused had been dismissed vide order dated 17.4.2018.

Briefly stated, the facts of the case as per the prosecution story are that Additional Director General of Police, Special Task Force, Punjab, received an information about the illegal activities of Inderjit Singh, former Inspector CIA Tarn Taran. He was informed that Inderjit Singh was involved in nefarious activities having links with smugglers and narcotics. The relevant record was got examined and it came out that in certain important cases of large recoveries involving smugglers, the accused had been acquitted on account of lapses in prosecution, inasmuch as, investigation was entrusted to a police official holding substantive rank of Head Constable instead of a higher rank official as required by law. Inspector Inderjit Singh was himself was not ASI, his original rank was that of Head Constable. Inspector Inderjit Singh and Jaswant Singh, former Deputy Commissioner of Police (Investigation), Tarn Taran, were found to be responsible for failure of prosecution in several cases of NDPS Act. On a communication having been sent by Additional Director General of Police, Special Task Force, Punjab, formal FIR was recorded.

According to the prosecution, Balwinder Singh – present petitioner is an associate of Inderjit Singh. He was nominated during the investigation and was arrested on 24.6.2017. He is stated to be brother-in-law of accused – Sahib Singh, who was mediator of accused Inspector Inderjit Singh and threatened Kuljit Kaur and her husband Gurjit Singh to execute sale deed with regard to the kothi in favour of the petitioner Balwinder Singh and the sale deed was in fact executed in his favour by Kuljit Kaur w/o Gurjit Singh at the instance of Sahib Singh, brother-in-law of the petitioner, who had threatened Kuljit Kaur that in case she did not do so, then Inspector Inderjit Singh would implicate her husband

Gurjit Singh in several cases. The petitioner had approached the Court of Sessions at Mohali seeking regular bail by moving application, which was assigned to learned Additional Sessions Judge, Mohali but was unsuccessful inasmuch as his application was dismissed by learned Additional Sessions Judge, Mohali on 12.12.2017. Thereafter, the petitioner/accused had approached this Court by filing petition for regular bail, which was also dismissed vide order dated 17.4.2018. Now for the second time, the petitioner/accused has approached this Court craving for the similar relief, which request is being opposed by the State counsel.

I have heard learned counsel for the parties besides going through the records.

The petitioner is in custody w.e.f. 24.6.2017, although he had been granted interim bail by this Court vide order dated 13.11.2019 but as per direction issued to him he has since surrendered before the Court of Chief Judicial Magistrate, SAS Nagar (Mohali) on 27.8.2021, as per intimation received from Chief Judicial Magistrate, SAS Nagar (Mohali). In that way, the petitioner/accused has remained behind bars for a period of more than two years. As per the custody certificate filed by the State counsel, the petitioner is shown to have been undergone imprisonment of 2 years 4 months and 2 days till date. Out of 59 PWs cited, the prosecution is stated to have examined 18 PWs so far with next date of hearing in the trial Court being 27.9.2021. In that way, the conclusion of trial is likely to take considerable time more particularly when working in the Court had been adversely effected on account of breaking out of Covid-19. There is nothing on record to show that petitioner is involved in any other criminal case. The co-accused of the present petitioner namely

Sahib Singh is said to have been granted regular bail by a Co-ordinate Bench of this Court vide order passed in CRM-M-17490-2020 on 10.7.2020, copy of that order has been placed on record as Annexure P7. In that way further detention of petitioner/accused shall not serve any purpose.

Without commenting onto the merits of the case, I find it proper and appropriate to grant concession of regular bail to the petitioner/accused.

Therefore, the petition stands allowed. The petitioner is ordered to be released on bail during the pendency of the trial, subject to his furnishing bail bonds and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate, SAS Nagar (Mohali) on following conditions:

- (i) he shall appear in the Court on each and every date of hearing;
- (ii) he shall not give any threat or intimidation to the prosecution witnesses; and
- (iii) he shall not leave India without prior permission of the Court.

The petitioner-accused is also directed to surrender his passport if he has got one otherwise to furnish affidavits in that regard.

In addition to that the trial Court may impose any term and condition found suitable to ensure that the petitioner does not abscond and interfere in the trial.

In case the petitioner violate any term and condition on which the bail has been granted to him, the prosecution would be entitled to

apply for cancellation of bail.

It may be mentioned here that nothing discussed hereinabove shall have any bearing on the merits of the case.

17.9.2021
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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No