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

CRM-M-32071-2020 (O&M)

Date of decision: 22.11.2021

BALWINDER SINGH

...Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

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

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. Vipin Mahajan, Advocate
for the complainant.

(Through Video Conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 0174 dated 11.09.2013, registered under Sections 21/29 of the NDPS Act at Police Station Sadar Amritsar, District Amritsar City, Punjab.

Learned counsel for the petitioner submits that petitioner is in judicial custody for the last about 09 months and 17 days, though he is facing trial in some cases under the NDPS Act and some cases under the IPC, however, he is on bail.

Learned counsel for the petitioner has further drawn attention to the judgment dated 06.10.2018 the Judge Special Court, Amritsar vide which, the co-accused of the petitioner namely Gurjinder Singh @ Kala, after facing full length trial was acquitted of the charge by holding that there is no convincing evidence led by the prosecution which could prove the

guilt of co-accused Gurjinder Singh @ Kala.

Learned counsel for the petitioner further submits that the evidence against the petitioner is on similar footing and he is ready to face the trial and the possibility of his conviction are very remote.

Learned counsel for the petitioner also relies upon another orders dated 04.03.2016 and 22.07.2016 vide which, another co-accused i.e. Ripudaman Singh @ Ripu and Another have filed CRM-M-16050-2014 vide which, the present FIR No. 0174 dated 11.09.2013 qua them was quashed by this Court.

Learned State counsel does not dispute the factual position and has filed the custody certificate dated 22.11.2021 in the Court today. He submits that the petitioner was granted bail earlier and later on, he absented and was declared proclaimed offender, however, he was re-arrested and is facing the trial.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the aforesaid fact FIR qua two of the co-accused stands quashed, whereas one of the co-accused after facing the full length trial stands acquitted by the trial Court with the observation that the prosecution has failed to lead any evidence; the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate, concerned.

22.11.2021
Chetan Thakur

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No