

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

205-5

CRM-M No.42714-2020 (O & M)

Date of Decision:01.04.2021

Swarn Singh

...Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Ms. Anupam Bhanot, Advocate,
for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

This petition is filed under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.2 dated 07.01.2020 registered under Sections 411, 414 and 120-B of IPC, Sections 21, 23 and 25 of the NDPS Act and Section 25 of the Arms Act, 1959, at Police Station Gharinda, District Amritsar Rural.

Custody certificate dated 1.04.2021 by way of affidavit of the Deputy Superintendent, Central Jail, Amritsar, filed by the State through e-mail, is taken on record.

Learned counsel for the petitioner states that the petitioner has been falsely implicated in this case as he was not nominated in the FIR but later on he was implicated on the basis of disclosure statement of co-

accused, namely, Nayak Rahul Chauhan and Dharminder Singh. She further states that only one mobile phone was recovered from the petitioner. The petitioner has been in custody since 19.01.2020 and the co-accused namely, Sarvoydya Rakesh Bahri and Rishabh Arora have already been granted bail in CRM-M-11296-2020, passed by a co-ordinate Bench of this Court vide its order dated 25.11.2020.

While opposing the prayer for grant of bail, learned State counsel, submits that a gang was operating across the border and even one Army personnel, was involved in this case. He further states that the case before the trial Court is now fixed for framing of the charges on 07.05.2021 and material witnesses are yet to be examined.

I have heard the learned counsel for the parties.

The petitioner has been in custody for the last more than one year and two months. The trial will take time to conclude and, thus, no useful purpose would be served by keeping the petitioner behind the bars. Moreover, co-accused of the petitioner have already been granted concession of regular bail by a Coordinate Bench of this Court.

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

(HARNARESH SINGH GILL)
JUDGE

April 01, 2021

Jyoti-11 Whether speaking/reasoned Yes/No Whether Reportable Yes/No