

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

**211**

**CRM-M No. 52418 of 2019  
Date of Decision: 16.03.2021**

**RUPINDER SINGH @ BUNTY @ BHUPINDER SINGH**

**.....Petitioner**

**vs.**

**STATE OF PUNJAB**

**.....Respondent**

**CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH**

Present: Mr.P.S.Sekhon , Advocate,  
for the petitioner.

Mr.Sarabjit Singh, AAG, Punjab.

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**RAJ MOHAN SINGH, J. (ORAL)**

The case has been taken up for hearing through video-conferencing.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C. in case bearing FIR No.98 dated 04.09.2015 under Section 15 of the NDPS Act registered at Police Station Julkan District Patiala.

Petitioner was granted bail under Section 167(2) Cr.P.C. vide order dated 04.03.2016, passed by the Judge, Special Court, Patiala. Subsequently, petitioner was arrested in FIR No.85 dated 16.09.2017 and he was in custody of the said case. Petitioner moved an application before the trial Court for

issuing production warrants on the ground that he was lodged in District Jail, Sangrur in case bearing FIR No.85 dated 16.09.2017. Production warrants of the petitioner were issued for 21.12.2017 and prosecution witnesses were also summoned for the said date, vide order dated 08.12.2017. The production warrants were received back with the report that no such person was lodged in District Jail, Sangrur. Bail of the petitioner was cancelled and his bail bonds/ surety bonds were forfeited to the State. Notice was also issued to the surety for 18.01.2018. On 18.01.2018, it was noticed by the Additional Sessions Judge, Patiala that the petitioner was in jail, whereas, notice issued to surety was received back unserved. Fresh warrants of arrest were issued against the petitioner and notice to surety was also issued for 05.02.2018.

On 25.01.2021, following order was passed by this Court:-

*“The case has been taken up for hearing through video conferencing.*

*Perusal of order dated 08.12.2017 passed by the Addl. District and Sessions Judge, Sangrur would show that the petitioner himself moved an application for issuing production warrants qua him on the ground that he was lodged in District Jail, Sangrur in some other case. Production warrants were issued for 21.12.2017. On the adjourned date,*

*production warrants issued against the petitioner were received with report that he was not lodged in District Jail, Sangrur. On that premise, bail of the petitioner was cancelled and his bail bonds/surety bonds were forfeited to the State. Warrants of arrest were issued against the petitioner as well as notice to the surety. On 18.01.2018, it could not be ascertained in which Jail the petitioner was lodged. Ultimately, he was declared as proclaimed offender.*

*Learned counsel for the petitioner submits that the petitioner was arrested in FIR No.85 on 16.09.2017 and was granted bail in the said case only on 13.05.2018. The order dated 02.04.2018 declaring the petitioner as proclaimed offender was per se illegal.*

*Learned State counsel may apprise this Court whether the petitioner was lodged in District Jail, Sangrur in FIR No.85 dated 16.09.2017 registered under Sections 15/61/85 of the NDPS act at P.S. Sadar, Sangrur.*

*Adjourned to 26.02.2021 .”*

On 26.02.2021, learned State counsel sought time to verify the factual details as noticed in the aforesaid order and the case was adjourned for today.

Today, learned State counsel submits that as per his oral instructions from ASI Raj Kapoor, petitioner was lodged in District jail, Sangrur in FIR No.85 dated 16.09.2017. The discrepancy was in respect of his alias name as he was lodged

in District jail, Sangrur in the name of Bhupinder Singh and not as Rupinder Singh @ Bunty. Learned State counsel admits that identity of the petitioner was not in dispute. Admittedly, no FIR has been lodged against the petitioner under Section 174-A IPC. Petitioner is in custody since 16.09.2017.

Learned State counsel, however, opposed the bail on the ground that the petitioner was declared as proclaimed offender as he was not shown as Rupinder Singh @ Bunty in the record of FIR No.85 dated 16.09.2017. Learned State counsel could not dispute the identity of the petitioner.

Since the petitioner was also known by his alias name as Bhupinder Singh, therefore, at this stage, without meaning anything on the merits of the case, this petition is allowed. Petitioner is directed to be released on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an opinion on the merits of the case.

16.03.2021

**(RAJ MOHAN SINGH)**  
**JUDGE**

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1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No