

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

CRM-M-12910-2021 (O&M)
Date of decision: 31.01.2022

Harjinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Vidit Bansal, Advocate for the petitioner.

Mr. Davinder Bir Singh, DAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

The petitioner has filed this second petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.3 dated 11.06.2019 registered under Sections 21, 23 of the NDPS Act and Sections 307, 353, 332, 333 and 186 of IPC, at Police Station Special Operation Cell, Fazilka., the first one having been dismissed as withdrawn vide order dated 26.06.2020 passed by this Court.

Learned counsel for the petitioner states that the petitioner was not apprehended at the spot; that nothing was recovered from him and that the alleged injury attributed to him is simple in nature. It is further submitted that the alleged escape of the petitioner from the spot is beyond common comprehension, especially when, it is the case of the prosecution that there

were two police parties consisting of one SI, one HC, three Constables, one Driver Head Constable along with the Force from Counter Intelligence consisting of two ASIs, five Head Constables and two constables, on patrol duties.

It is further submitted that the petitioner was arrested in case bearing FIR No. 14 dated 09.02.2020, registered under Sections 21 and 22 of the NDPS Act, 1985, at Police Station Sadar Ferozepur, District Ferozepur, and was granted interim regular bail, vide order dated 19.02.2021 passed by a Coordinate Bench. The alleged car used in the crime does not belong to the petitioner. It is yet further submitted that the petitioner has been in custody since 09.02.2020 and out of 14 prosecution witnesses, only 03 have been examined, so far.

Learned State counsel, while vehemently opposing the prayer for bail, submits that the petitioner was travelling in a car, along with two co-accused, namely, Harjinder Singh @ Kalakar and Lakhbir Singh, from whom the alleged recovery of 500 grams of Heroin, each, was effected and that when the police party tried to apprehend the petitioner, he gave brick blows on the persons of the police personnel and, therefore, Section 307 IPC was added in the FIR. However, he does not dispute the custody period of the petitioner.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 09.02.2020. The recovery was effected from car, which does not belong to the petitioner. 11

prosecution witnesses are yet to be examined. The conclusion of the trial would take a long time. Moreover, in another case under NDPS Act, the petitioner is on bail. Hence, 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 petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

31.01.2022

Mangal Singh

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No