

CRM-M-19113-2020

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

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Date of decision: 05.12.2022

Gursewak Singh

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Anmol Rattan Sidhu, Sr. Advocate with
Mr. Pranshul Dhull, Advocate,
for the petitioner.

Mr. Gurlal Singh Dhillon, AAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks regular bail in case FIR No.03 dated 18.05.2020, registered at Police Station State Special Operations Cell, Fazilka, District Intelligence Wing (CID), under Sections 399 and 402 IPC, Section 27 NDPS Act, 1985 and Section 25 of the Arms Act, 1959.

Learned Senior Counsel for the petitioner submits that the petitioner was not named in the FIR, but was indicted in the present case on the disclosure statement of co-accused, Rajinder Kumar alias Surya, vide report dated 22.05.2020; that Section 27 NDPS Act has been deleted in the present case, vide GD No.13 dated 17.07.2020; that recovery has already been effected from the petitioner; that the petitioner has never misused the

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concession of interim bail granted to him vide order dated 07.09.2020 passed by a Coordinate Bench and that there is no specific allegation against the petitioner. So far as three other cases registered or pending against the petitioner, are concerned, he has been released on bail therein.

Learned State counsel, while opposing the grant of bail to the petitioner, submits that though the petitioner was not named in the FIR, yet he had actively participated in the crime, and that after his arrest, .32 bore pistol, 04 live cartridges and a Hyundai Car had been recovered from the petitioner, vide recovery memo dated 04.06.2020. Learned State counsel further submits that challan has been presented, but charges are yet to be framed.

I have heard the learned counsel for the parties.

The petitioner was not named in the FIR, but has been indicted in the present case on the disclosure statement of co-accused, namely, Rajinder Kumar alias Surya. The recovery has already been effected. Section 27 NDPS Act has been deleted in the present case.

Challan has already been presented, but the charges are yet to be framed. Trial is unlikely to conclude any time soon. The petitioner has never misused the concession of interim bail granted to him vide order dated 07.09.2020 passed by the Coordinate Bench. So far as three other cases registered or pending against the petitioner, are concerned, he has been released on bail therein. Therefore, no useful purpose would be served by sending 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 present petition is

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allowed and the order dated 07.09.2020, granting interim bail to the petitioner, is made absolute, subject to him furnishing fresh bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate.

05.12.2022

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No