

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

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CRM-M-34411-2021 (O&M)
Date of decision: 05.07.2022

HARVINDER SINGH ALIAS GANDHI

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present : Mr. L.S. Mann, Advocate
for the petitioner.

Mr. Karanbir Singh, AAG, Punjab.

VINOD S. BHARDWAJ. J. (ORAL)

CRM-17040-2022

The present application has been filed under Section 482 of the Code of Criminal Procedure, 1973 for placing on record copies of Annexures P-5 to P-8.

Application is allowed as prayed for.

CRM-M-34411-2021

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No. 258 dated 01.08.2020 registered under Section 22 (b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Phillaur, District Jalandhar Rural.

2. Learned counsel for the petitioner submits that the FIR in question has been registered on the information of police official to the effect that the patrolling party was present in front of Namdhari Dhabha, and he saw one motorcycle bearing registration No. PB37E-7854 coming from the side of village Bhattian through the Khera Bridge. On seeing the police party, the Driver of the motorcycle applied sudden brake due to which the motorcycle got out of control and slipped. Two persons were travelling on the motorcycle and they fell as a result thereof. The petitioner is stated to be the pillion rider and the motorcycle was driven by Gurpreet Ram alias Mani son of Raj Kumar resident of Katpalo. Certain intoxicant injections were also lying scattered along with the motorcycle.

3. Learned counsel contends that the petitioner is in custody since 22.08.2020 and that the role of the petitioner is at par with co-accused Gurpreet Ram alias Mani who has already been granted the concession of regular bail by this Court vide order dated 16.08.2021. It is also contended that even in the said order it is noticed that the co-accused (the petitioner herein) was allegedly carrying the bag containing the intoxicant tablets, however, as per the case of the prosecution all the intoxicant tablets had scattered over the ground. It is also submitted that the investigation in the case is complete and the final reports stands filed. Only one prosecution witness has been examined so far.

4. Learned counsel appearing on behalf of the respondent-State does not controvert the fact that the case of the petitioner is at par with Gurpreet Ram @ Mani-the co-accused to whom concession of

regular bail has been granted vide order dated 16.08.2021 passed in CRM-M-9801 of 2021. However, he contends that there are other cases registered against the petitioner as well. It is, however, submitted that the petitioner only stands in one of the said cases. In the second case he has already undergone the sentence awarded to him whereas in the third case, the concession of bail already stands extended to him.

5. Learned counsel appearing on behalf of the petitioner further submits that the period of custody of the petitioner is now much more than the period of custody undergone by the said co-accused and that the trial is still at initial stage and is not likely to conclude soon.

6. I have heard learned counsel appearing on behalf of the respective parties and have gone through the record with their able assistance.

7. Without examining the merits of the instant case and taking into consideration the facts notice above and also that the co-accused Gurpreet Ram alias Mani stands released on regular bail by this Court vide order dated 16.08.2021, the period of custody as well as the stage of trial, I deem it appropriate to enlarge the petitioner on bail to the satisfaction of the trial Court.

8. The instant petition is allowed and the petitioner is ordered to be released on bail on his furnishing requisite bail bond/surety bond to the satisfaction of the Trial Court/Duty Magistrate, concerned.

9. It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

10. The observation made hereinabove shall not be construed

as an expression on the merits of the case and the trial Court shall decide the case on the basis of available material.

The petition is allowed.

(VINOD S. BHARDWAJ)
JUDGE

JULY 05, 2022
vishal sharma

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>