

Ravinder Pal Singh @ Raju @ Ghorra Vs State Of Punjab

Court: High Court Of Punjab And Haryana At Chandigarh

Date of Decision: Jan. 8, 2021

Acts Referred: Code Of Criminal Procedure, 1973 " Section 439

Indian Penal Code, 1860 " Section 34, 120B, 302, 399, 402, 473

Narcotic Drugs And Psychotroic Substantes Act, 1985 " Section 22, 29

Hon'ble Judges: Arvind Singh Sangwan, J

Bench: Single Bench

Advocate: P.S. Ahluwalia, J.S. Ghumman

Final Decision: Allowed

Judgement

Arvind Singh Sangwan, J

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR

No.13 dated 10.01.2018, for offence punishable under Sections 399, 402, 473, 120-B of the Indian Penal Code, 1860 (in short "IPC"), Sections

22/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short "the NDPS Act") and 25 of the Arms Act registered at Police

Station City Rajpura, District Patiala.

Counsel for the petitioner has relied upon the order dated 27.10.2020 passed in CRM-M No.44725 of 2019, vide which regular bail was granted to the

co-accused of the petitioner namely Gursewak Singh @ Bunty. The operative part of the said order reads as under:-

"Learned counsel for the petitioner submits that as per allegations in the FIR, the police party received a secret information that one Ravinder Pal

Singh @ Ghorra is released from jail some time back and he committed the murder at Tarn Taran and he along with his associates namely Gursewak

Singh @ Bunty (petitioner), Raju and Bablu are armed with illegal weapons and are sitting under a bridge in an uninhabited area and are planning to

commit big robbery. Thereafter, the police party reached at the spot and arrested Ravinder Pal Singh @ Ghorra, Raju and Prem Kumar, however, the

petitioner ran away from the spot. During the investigation of Ravinder Pal Singh @ Ghorra, he suffered a statement that he brought 01 kg of

intoxicant powder from the petitioner and the same is kept near Pachhi Dara River, out of which some material was consumed by him. Thereafter, on

the disclosure statement of Ravinder Pal Singh @ Ghorra, 520 grams of intoxicant powder was recovered. The petitioner was nominated as an

accused on the basis of disclosure statement and was arrested, however, neither any weapon nor any narcotic substance was recovered from him.

Learned counsel for the petitioner further submits that the petitioner has been charged under Section 29 of NDPS Act and is in custody since

31.05.2018, however, the trial is not proceeding further. Learned counsel has placed on record a judgment dated 21.08.2019 passed by the Additional

Sessions Judge, Tarn Taran, vide which the petitioner and other accused were acquitted in FIR No.177 dated 30.10.2017 under Sections 302, 120-B,

34 IPC, Police Station Patti, Tarn Taran. It is thus submitted that the trial is not proceeding and except the aforesaid evidence, nothing has come on

record.

Status report by way of affidavit of Deputy Superintendent of Police, Sub Division Rajpura, District Patiala filed in the Court today, is taken on record.

Learned State counsel, on the basis of this affidavit, submits that the petitioner was named on the basis of disclosure statement of co-accused and

after the arrest of accused persons from the spot, two country-made pistols, one iron kappa and a car was recovered. It is further stated that challan

stands presented and thereafter, a supplementary challan was also presented against the petitioner and out of total 28 prosecution witnesses, none has

been examined so far.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the fact that charges were framed

way back on 29.03.2019 and till date, no prosecution witness has been examined; the petitioner stands acquitted in FIR No.177 under Section 302

IPC; he is in custody for the last more than two years and two of his co-accused namely Raju Bishnoi and Prem Kumar have been released on

regular bail by the trial Court on 19.02.2018, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his

bail/surety bonds to the satisfaction of the trial Court/Ilqa Magistrate/Duty Magistrate, concerned.~â€œ

Counsel for the petitioner has further submitted that even the petitioner is in custody since 10.01.2018 and only one prosecution witness has been

examined so far and he also stands acquitted in the aforesaid FIR.

Counsel for the State, on instructions from ASI Rajwant Singh, has not disputed the factual position but opposed the prayer for bail.

Without commenting anything on merits of the case, considering the fact that the co-accused of the petitioner has already been granted the concession

of regular bail; the custodial interrogation of the petitioner is not required; he is in long custody since 10.01.2018 and the conclusion of the trial will take

some time due to COVID-19 situation, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety

bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing

the concession of bail, in any manner.