

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-11938 of 2015

Date of Decision : 15.05.2015

Harkamaljit Singh @ Harbhinder Singh @ RupaPetitioner

Versus

State of PunjabRespondent

CORAM: HON'BLE MR. JUSTICE R.P. NAGRATH

Present: Mr. Avtar Singh Bhatti, Advocate
for the petitioner.

Mr. Gazi Mohd., DAG, Punjab.

R.P. Nagrath, J. (Oral)

Petitioner seeks bail under Section 439 Cr.P.C. in FIR No. 49 dated 02.06.2012 for offence under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, registered at Police Station Garhshankar, District Hoshiarpur.

Recovery from possession of the petitioner is 100 gms of heroine, which is stated to be non-commercial. Apart from that in the vehicle in which the petitioner was travelling, a drum containing 20 kgs. of powder used for preparing Methamphetamine was also recovered.

Learned State counsel does not dispute that Sukhwinder Singh who was driving the vehicle has been granted bail by this Court vide order dated 28.10.2014 passed in CRM-M-33837 of 2014 (Annexure P-3) on the ground of parity as per order dated 12.05.2014 granting concession of bail to Harjinder Singh @ Rajinder Singh co-accused in CRM-M-14625 of 2014.

A coordinate Bench of this Court while granting bail to Harjindr Singh @ Rajinder Singh observed as under:-

“For having been found in possession of 50 grams of Methamphetamine(Ice) recovered from the personal search of his co-accused and 20 kgs. of intoxicant material used for preparing Methamphetamine (Ice) having been recovered from the vehicle occupied by the petitioner and his co-accused, the petitioner has been in custody w.e.f. 02.06.2012. He is already a convict of an offence punishable under Section 302 IPC.

So far as the controlled substances recovered from the petitioner is concerned, no commercial quantity is defined, as such Section 37 of NDPS Act will not be applicable. Taking into consideration the period of detention, the petitioner can be granted the concession of bail.

Petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the trial Court. He shall be released in this case in case he is not required to be detained in any other case.”

The petitioner is in custody since 02.06.2012 and it will take long time in conclusion of the trial.

The case of the petitioner cannot be differentiated with the cases of co-accused who have already been granted bail by

this Court.

After hearing learned counsel for the petitioner, the State counsel and without commenting on merits of the case, the instant petition is allowed and the petitioner be admitted to bail on furnishing bail bonds to the satisfaction of the trial Court.

Allowed in the above terms.

May 15, 2015
jk

(R.P. NAGRATH)
JUDGE