

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

**CRM-M No. 44235 of 2015 (O&M)
Date of Decision: 14.01.2016**

Gurmel Singh @ Gela @ Lambu

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Pardeep Kumar, Advocate for
Mr. Amandeep Singh Cheema, Advocate
for the petitioner.

Mr. Mikhail Kad, AAG, Punjab
for the respondent/State assisted by ASI Malkit Singh.

JASWANT SINGH, J. (ORAL)

Prayer is for grant of regular bail on behalf of the petitioner in case FIR No. 39, dated 16.06.2015, for offences punishable under Sections 15/61/85 of Narcotic Drugs and Psychotropic Substances Act, registered at Police Station Bhikhi, District Mansa.

As per allegations, the patrolling party sighted two men and a lady, who were sitting on two gunny bags near a canal bridge and when confronted, two accused persons (men) fled away, while the accused-lady Malkiat Kaur was apprehended and a recovery of 54 kgs. of poppy husk was effected. Malkiat Kaur disclosed the name of present accused/petitioner-Gurmel Singh @ Gela @ Lambu and co-accused/non-applicant-Manga Singh.

The petitioner was subsequently arrested on 28.07.2015 in another case.

Learned counsel for the petitioner submits that a false case has been planted upon the petitioner, apart from that taking the allegations at the face value even then the alleged recovery is marginally commercial from the conscious possession of three accused-persons. He further submits that the petitioner was arrested on 29.07.2015 and till date, no challan has been presented. He further submits that both co-accused have already been granted regular bail by this Court.

Learned State Counsel, assisted by ASI Malkit Singh, does not refute the above said factual position.

Without commenting on the merits of the case, keeping in view the facts noticed above; parity of treatment and custody period of the petitioner, no useful purpose would be served by keeping the petitioner/accused in custody, the present petition is allowed and the petitioner is ordered to be released on bail subject to satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned.

Disposed of.

January 14, 2016

'dk kamra'

(JASWANT SINGH)
JUDGE