

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

**Crl. Misc. No.M-31615 of 2017 (O&M)
Date of Decision: November 09, 2017.**

Sukhvir Singh @ Sukha

.....PETITIONER(s).

VERSUS

State of Punjab

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Rajeev Sharma, Advocate for
Mr. Kamaldeep Singh Sodhi, Advocate
for the petitioner (s).

Mr. C.L.Pawar, Sr. D.A.G., Punjab.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 92 dated 20.06.2016 registered for the offences punishable under Sections 307, 148 read with Section 149 of Indian Penal Code, 25 of Arms Act and 21 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Sadar Phagwara, District Kapurthala.

Heard.

Learned counsel for the petitioner seeks regular bail for the petitioner on principle of parity, as other co-accused namely Ginda @ Gurvinder Singh, Harvinder Singh @ Binda and Miyank Chopra @ Minni Chopra, who were also arrested in this case and other similar cases pending against them, have been allowed regular bail vide order dated 31.05.2017 passed in CRM-M-4995-2017, dated 15.09.2016 passed in CRM-M-32061-

2016 and dated 27.09.2016 passed in CRM-M-32622-2016 respectively.

Learned State counsel submits that the petitioner is involved in three other cases and recovery of 300 gram of *Charas* which falls in non-commercial quantity was effected from his possession.

The petitioner was arrested on 20.06.2016 and since then he is in custody. Other accused from whom the recovery of weapon has been effected with similar allegations except the offence under the NDPS Act have been allowed regular bail. Recovery of contraband from the petitioner is of non-commercial quantity.

Keeping in view the above fact and applying the principle of parity, this petition is allowed. Petitioner Sukhvir Singh @ Sukha is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- a. The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- b. In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- c. He shall not leave the country without the prior permission of the Court.

(SURINDER GUPTA)
JUDGE

November 09, 2017
Jyoti-II

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No