

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

**Crl. Misc. No.M-29544 of 2018 (O&M)  
Date of Decision: August 28, 2018**

Shouket Ahmed Bawa and another

**.....PETITIONER(s).**

**VERSUS**

State of Punjab

**.....RESPONDENT(s).**

**CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA**

Present: Mr. Vipin Mahajan, Advocate  
for the petitioner (s).

Mr. Sandeep Kumar, DAG, 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 petitioners in case FIR No. 142 dated 03.11.2017 registered for the offences punishable under Sections 15 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 and 420, 465, 472 of Indian Penal Code, at Police Station Division No.2, Pathankot.

Heard.

Learned State counsel on instructions from ASI Som Raj submits that recovery of 52 Kgs of poppy-husk including the weight of bags was effected from four persons namely Jahangir Ahmad Bage, Abdul Gani Meer, Shaukat Ali and Ahmed Gani. The net weight of each bag recovered separately from all the above named persons was 13 Kg each.

Claiming parity with co-accused Jahangir Ahmad Bage, who has already been allowed regular bail vide order dated 05.07.2018 passed in CRM-M-23844-2018 and Abdul Gani Meer, who has been allowed regular bail vide order dated 25.04.2018 passed in CRM-M-8197-2018, learned counsel for the petitioners seeks regular bail for them.

Applying the principle of parity but without expressing any opinion on merits of the case, the present petition is allowed. Petitioners Shouket Ahmed Bawa and Faruk Ahmed Gani are ordered to be released on regular bail on furnishing bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

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- b. In the event of their absence on any date of hearing, the benefit of bail allowed to the petitioners shall stand withdrawn.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

**August 28, 2018**  
*Sachin M.*

**( SURINDER GUPTA )**  
**JUDGE**

***Whether speaking/reasoned:*** ***Yes/No***

***Whether Reportable:*** ***Yes/No***