

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

CRM M-11176 of 2020 (O&M)

Date of Decision: July 23, 2020

Davinder Singh @ Minku	Petitioner
Versus	
State of Punjab	 Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. Prabhjeet Singh Sullar, Advocate
for the petitioner.

Mr. Gaurav Garg Dhuriwala, Sr. DAG, Punjab.

FATEH DEEP SINGH, J. (Oral)

The matter has been taken up through video-conferencing on account of outbreak of pandemic COVID-19.

Petitioner Davinder Singh @ Minku has moved this first regular bail application under Section 439 of Cr.P.C. in FIR No. 190 dated 25.10.2019 under Section 15-61 of NDPS Act registered at Police Station Bhogpur, District Jalandhar.

The brief allegations brought to the notice of this Court by the learned State counsel that on a secret information received regarding smuggling of *Doda Chura Pohst*, a police party headed by ASI Gurvinder Singh came across a truck which was being driven by the petitioner and on the conductor seat, co-accused non-applicant also known as Davinder Singh @ Kaka was sitting and, thus, the present case was got registered.

Mr. Prabhjeet Singh Sullar, *inter alia*, contends that a bare perusal of the FIR does not depict either the number of the truck or the fact that any recovery was effected at the time of preparation of ruqa and that the similarly placed co-accused Davinder Singh @ Kaka has been allowed similar relief by this Court.

Learned State counsel Mr. Gaurav Garg Dhuriwala, Sr. DAG, Punjab has strongly opposed the bail but has fairly concedes that there has been serious remiss in the registering of the FIR as no such factum of recovery is mentioned.

Going though the submissions of the two sides, in view of the contents of the FIR and the fact that the similarly placed co-accused has been allowed bail in CRM M-9057 of 2020 vide order dated 05.03.2020 and, therefore, in view of the principle of parity and the fact that the trial is not likely to be

completed in near future and in view of Pandemic COVID 19 scenario, this Court deems it a fit case for allowing the bail. Accordingly, the petitioner is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, concerned.

However, it is made clear that anything observed herein shall not be construed as an expression on the merits of the case.

Disposed off.

July 23, 2020
amit rana

(FATEH DEEP SINGH)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No