

(104) IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM No.M-12196 of 2020

Date of decision:13.05.2020

Prem Chand Petitioner

Versus

State of Punjab ... Respondent

Before: Hon'ble Mr. Justice B.S. Walia.

Present: Mr. Parminder Singh Sekhon, Advocate for the petitioner.
Mr. Amit Mehta, Sr. DAG, Punjab.

B.S. Walia, J. (Oral/VC)

[1] This is a petition for regular bail under Section 439 of the Cr.P.C. in case FIR No.169 dated 26.09.2019 registered at Police Station Dakha, District Ludhiana (Rural) for offences under Sections 15 and 25 of the Narcotic Drugs and Psychotropic Substances, Act, 1985.

[2] Learned counsel for the petitioner contends that the petitioner's son-in-law who is co-accused in the instant FIR, has been granted regular bail vide order dated 11.02.2020 in CRM No. M-3632 of 2020 in case titled as Dharminder Kumar vs State of Punjab and since the allegations against the petitioner and his son-in-law are the same, namely of recovery of 54 kgs of poppy-husk and an amount of Rs.2,50,000/- besides one motorcycle, the petitioner is entitled to grant of bail on the basis of parity.

[3] Learned Sr. DAG fairly states that the allegations against the petitioner and his co-accused namely Dharminder are identical and that said co-accused was granted bail vide order dated 11.02.2020 in CRM No. M - 3632 of 2020 as recovery of the contraband was marginally in excess of the

quantity prescribed for non-commercial quantity.

[4] Since, challan in the case has already been presented but charges have not been framed so far, besides, the alleged recovery is slightly more, than the quantity prescribed for non-commercial quantity, therefore, in view of the decision in ***Shinda vs State of Punjab, 2013 (3) RCR (Crl.) 557 and Lakhwinder Singh @ Bittu v. State of Punjab, 2012 (22) RCR (Crl.) 301***, the petition for bail is allowed. Petitioner is directed to be released on bail on his furnishing bail/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

[5] However, nothing mentioned in this order would be construed as an expression of opinion on the merits of the case.

[6] Petition allowed in the aforementioned terms.

(B.S. Walia)
Judge

13.05.2020

Amit/Rajesh

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| 1. Whether speaking/reasoned : | Yes/No. |
| 2. Whether reportable : | Yes/No. |