

CRM-M-18097-2019

Date of decision: 15.10.2020

Sahib Singh

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH**Present:** Mr. J.S. Dadwal, Advocate
for the petitioner.**FATEH DEEP SINGH, J. (ORAL)**

Due to outbreak of pandemic COVID-19, the instant case is being taken up for hearing through video conferencing.

Notice of motion to the respondent-State.

Mr. Jagmohan Ghuman, DAG, Punjab puts in appearance and accepts notice on behalf of the respondent-State. Copy supplied.

The petitioner-Sahib Singh, has come up in this first regular bail application under Section 439 Cr.P.C. in a case bearing FIR No.0159 dated 25.09.2018 under Section 22 of the NDPS Act registered at Police Station City-1 Abohar, District Fazilka.

The petitioner-Sahib Singh along with his

co-accused/non-applicant-Harpreet Singh @ Happy were apprehended while coming on a truck bearing No. PB-05-T-7633 being driven by the accused-Sahib Singh. On search of the truck on suspicion, 3950 intoxicating tablets were got recovered from the cabin.

Learned counsel for the petitioner *inter alia* argues that the co-accused/non-applicant-Harpreet Singh @ Happy has been allowed regular bail by this Court vide order dated 08.10.2020 and that the case of the petitioner is on better footing.

The learned State counsel, does not displace the facts but has strongly opposed the grant of bail on the grounds of heinousness of the offence.

The petitioner is behind the bars since 25.09.2018. Since the alleged recovery has been effected from the cabin of the truck being driven by the co-accused who has been allowed bail necessitates that principle of parity being applied in his case as well together with the fact of the present pandemic situation, where the investigation and trial is not likely to be concluded in the near future, no useful purpose would be served by keeping the petitioner behind the bars.

Accordingly, the petitioner is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned.

The petition stands disposed off accordingly.

15.10.2020
Neha

(FATEH DEEP SINGH)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No