

210

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

CRM-M No. 27296 of 2020
Date of Decision: 17.09.2020

Buta Singh

-Petitioner

Vs

State of Punjab

-Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Jashandeep Singh Sandhu, Advocate,
for the petitioner.

Mr. R.P. Singh, D.A.G., Punjab.

RAJ MOHAN SINGH, J. (ORAL)

The case has been taken up for hearing through video-conferencing.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C. in case bearing FIR No.45 dated 20.04.2020 under Sections 21 and 25 of NDPS Act and under Sections 188 and 270 of IPC, registered at Police Station Nandgarh, Bathinda, District Bathinda, Punjab.

As per allegations, four suspects were found present in the car from which 262 grams of Heroine was recovered.

Devi Sharan @ DS Kaka was the driver of the car. Petitioner was sitting on the seat of co-driver. Kala Singh and Sonu were sitting at the back seat. A plastic bag was lying

between both the seats. Mouth of the bag was already opened and Heroine was clearly visible therein. The Heroine was found to be 262 grams on weighment.

Co-accused Devi Sharan @ DS Kaka has been granted regular bail by this Court in CRM-M No.18901 of 2020 vide order dated 27.08.2020 on the ground that the recovery is marginally in excess of the quantity prescribed for commercial category. The bail was granted after placing reliance upon **Shinda vs State of Punjab, 2013(3) RCR (Criminal) 557** and **Lakhwinder Singh @ Bittu vs State of Punjab, 2012(22) RCR (Criminal) 301.**

Learned State counsel states that the only point of distinction between the case of Devi Sharan @ DS Kaka and the petitioner is that the petitioner is owner of the vehicle in which the alleged contraband was found.

Having heard learned counsel for the parties, it is not in dispute that the alleged recovery is of 262 grams of Heroine. The bail was granted to the co-accused on the ground of recovery being marginally in excess of the quantity prescribed for commercial category.

In view of aforesaid, I deem it appropriate to grant bail to the petitioner on parity with co-accused Devi Sharan @ DS Kaka.

In view of above, the petition is allowed. Petitioner is directed to be released on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an opinion on the merits of the case.

17.09.2020
Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE

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