

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

221+222

(1)

CRM-M-29891-2020

Gaurav Kumar

... Petitioner

Versus

State of Punjab

... Respondent

(1)

CRM-M-29907-2020

Bhagwan Singh @ Happy Baba

... Petitioner

Versus

State of Punjab

... Respondent

Decided on : 05.10.2020

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr.Ashish Soi, Advocate,
for the petitioner in CRM-M-29891-2020.

Mr.Arun Khatri, Advocate,
for the petitioner in CRM-M-29907-2020.

Mr.Ramandeep P.Singh, DAG, Punjab.

(The proceedings are being conducted through video conferencing,
as per instructions.)

G.S. Sandhawalia, J. (Oral)

Prayer in the present petitions, filed under Section 439 Cr.P.C., is for grant of regular bail in FIR No.60 dated 07.05.2020 under Sections 21, 29 of NDPS Act at Police Station Special Task Force Phase 4, Mohali (SAS Nagar).

Counsel for the petitioners submits that the petitioners are in custody since 07.05.2020 and the co-accused, Dharminder Singh and Sunny have been granted the benefit of regular bail in CRM-M-23008-2020 and CRM-26984-2020, respectively. It is submitted that they are similarly situated as they were the other two occupants of the car and the vehicle is not owned by both the petitioners though it had been driven by petitioner, Bhagwan Singh @

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Happy Baba. The recovery is stated to be of 280 grams of Heroin which was stashed in the dash-board of the vehicle. It is further submitted that the FSL report is still awaited and complete challan would only be filed then and considerable time would be taken for the trial to complete.

Said facts are vouched for by the State Counsel, on instructions from SI-Surinder Singh. He further submits that there are no other cases of similar nature, pending against the petitioners.

Mr.Soi, counsel appearing for the petitioner-Gaurav Kumar in CRM-M-29891-2020 further submits that the additional 5 grams of Heroin which was recovered was on the alleged disclosure statement of the said petitioner is from another car which is not owned by him. Even otherwise, the said recovery is only of small quantity.

Mr.Khatri, counsel appearing in CRM-29907-2020 submits that petitioner is a Mahant and heading a Trust regarding which litigation is going on due to which he has been falsely implicated. The said suit showing Bhagwan Singh as defendant No.2 has been appended as Annexure P-2 and similarly showing him as defendant No.3 in another suit for permanent injunction, filed by Balwinder Singh.

Accordingly, keeping in view the cumulative facts and since the petitioners are also entitled for regular bail on parity basis, the present petitions are allowed. The petitioners are directed to be released on regular bail, to the satisfaction of the Illaqa/Duty Magistrate, Ludhiana.

OCTOBER 05, 2020
sailesh

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No