

212

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

CRM-M No. 31484 of 2020
Date of Decision: 13.10.2020

Kala Singh and another

-Petitioners

Vs

State of Punjab

-Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

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

Mr. Ramdeep Partap Singh, D.A.G., Punjab.

RAJ MOHAN SINGH, J. (ORAL)

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

Petitioners seek grant of regular bail under Section 439 Cr.P.C. in case bearing FIR No.45 dated 20.04.2020 under Sections 21/25 of NDPS Act and under Sections 188, 270 IPC registered at Police Station Nandgarh Bathinda, District Bathinda, Punjab on parity with co-accused Buta Singh who has been granted regular bail by this Court in CRM-M No.27296 of 2020 vide order dated 17.09.2020.

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. Petitioners along with Buta Singh were found sitting in the car. A plastic bag was lying between both the seats. Mouth of the bag was already opened and Heroine was clearly visible therein. On weighment, the Heroine was found to be 262 grams.

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. Reliance was placed upon **Shinda vs State of Punjab, 2013(3) RCR (Criminal) 557** and **Lakhwinder Singh @ Bittu vs State of Punjab, 2012(22) RCR (Criminal) 301.**

Co-accused Buta Singh has already been granted regular bail as mentioned above.

This fact has not been disputed by learned State counsel.

In view of aforesaid, I deem it appropriate to grant bail to the petitioners on parity with co-accused Buta Singh.

In view of above, the petition is allowed. Petitioners are directed to be released on regular bail, subject to their 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.

13.10.2020
Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE

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