

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

CRM-M-37152 of 2020

Date of Decision: 18th November, 2020

Davinder Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Rajat Malhotra, Advocate for the petitioner.

Mr. Amit Mehta, Sr. DAG Punjab.

AVNEESH JHINGAN, J.(oral)

The matter has been taken up for hearing through video conferencing due to COVID-19 situation.

This is a petition for grant of regular bail in FIR No. 0124 dated 26.11.2019 under Sections 21, 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Special Task Force (STF), Phase-4 Mohali District SAS Nagar.

As per the FIR, there was a secret information that the accused are involved in selling of heroine. On the basis of secret information a nakka was set up and a scooty was checked which was being driven by Vishal and Davinder and Rohit were the pillion riders. There was recovery made of 835 grams heroine alongwith one small electronic scale, 100 empty transparent locked pouches alongwith drug money of Rs.30,000/-.

Learned counsel for the petitioner submits that the petitioner is behind bars since 26.11.2019. No recovery is to be made. Charges have not yet been framed and there was no other case pending. He further seeks parity with co-accused Vishal, who has been granted bail by this Court on

Learned State counsel opposes the prayer on the ground that the recovery was of commercial quantity and there was recovery of drug money.

Considering the facts and circumstances of the case, especially that the petitioner is behind bar for about one year and trial is not likely to conclude at an early date. There is no distinguishing feature pointed out to deny parity to the petitioner from Vishal.

Accordingly, the petition is allowed and the petitioner is directed to be released on regular bail on his furnishing bail and surety bond to the satisfaction of trial Court/Duty Magistrate concerned, provided his custody is not required in any other case.

18th November, 2020
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(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable:	No