

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(210)

CRM No. M-43022 of 2019 (O&M)

Date of Decision : 03.06.2020

Raju Singh

....Petitioner

Versus

State of Punjab

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. J.K. Singla, Advocate for the petitioner.

Mr. Ajay Pal Singh Gill, Deputy Advocate General, Punjab.

Harsimran Singh Sethi, J. (Oral)

The present petition has been taken for hearing through video conference due to Covid-19 pandemic.

The present petition has been filed by the petitioner under Section 439 Cr.P.C. for the grant of regular bail in respect of FIR No. 146 dated 18.09.2019, under Section 22 of the NDPS Act, 1985, registered at Police Station Bhikhi, District Mansa.

Learned counsel for the petitioner argues that petitioner has been falsely implicated in the said FIR and no recovery has been effected from the conscious possession of petitioner, whereas the same was planted upon the petitioner in an illegal manner. Learned counsel for the petitioner further states that co-accused, namely, Gurdeep Singh, who has also been named in the said FIR and has been attributed the same allegation, has already been granted the benefit of regular bail by a Co-ordinate Bench of this Court while deciding CRM No. M-12421 of 2020.

Mr. Ajay Pal Singh Gill, learned Deputy Advocate General, Punjab, who has also joined the proceedings through video conference, very fairly concedes that co-accused of the petitioner against whom same allegations

are alleged in the FIR, has been granted the benefit of bail by this Court.

I have heard learned counsel for the parties and have gone through the record very carefully.

Learned State counsel has not disputed the fact that the allegations against the petitioner and Gurdeep Singh, who have been named in the FIR No. 146 dated 18.09.2019, are same. Further, it is conceded by learned State counsel that Gurdeep Singh has been granted the concession of regular bail by a Co-ordinate Bench of this Court while deciding CRM No. M-12421 of 2020 titled as ***Gurdeep Singh Vs. State of Punjab***, on 28.05.2020, which reads as under:-

“Through the present petition filed under Section 439 of the Criminal Procedure Code, the petitioner seeks regular bail in FIR No.146, dated 18.09.2019, registered under Section 22 of the NDPS Act, 1985, at Police Station Bhikhi, District Mansa.

2. The petitioner was arrested on the date of occurrence, itself was 18.09.2019, along with the co-accused, namely, Raju Singh.

3. Challan has since been submitted against both of them and charges were framed on 15.02.2020. Thereafter, no witness from the prosecution side has yet been examined.

4. The recovery effected from both the accused persons is said to be a chance one. The contraband seized comes within the definition of the commercial quantity. However, there is no record of the petitioner's involvement in any other case under the NDPS Act.

5. The bail application is opposed on behalf of the State on the ground that the recovery effected from the accused persons in the present case was of commercial quantity.

6. In the circumstances, at this stage, considering the long detention undergone by the petitioner and the fact that the petitioner is not involved in any other similar case, this Court is of the opinion that he is not likely to commit any similar offence while on bail. He may therefore, be released on regular bail to

the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned, subject to appropriate terms and conditions as deemed necessary by the said Court.”

As no differentiable fact has been pointed out by the learned State counsel in respect of the allegations against the petitioner and Gurdeep Singh, who has already been granted regular bail by this Court, hence, on parity, petitioner is also entitled for the said benefit.

Learned State counsel has not pointed out anything to show that any other case is pending against the petitioner so as to deny him the benefit as extended to co-accused Gurdeep Singh.

Keeping in view the facts and circumstances of this case, it is directed that petitioner be released on regular bail to the satisfaction of the trial Court/Duty Magistrate concerned, subject to the appropriate terms and conditions as deemed necessary by the said Court.

It is made clear that in case petitioner indulges in the activities prohibited under the NDPS Act at any given point of time, the prosecution will be at liberty to approach this Court seeking the cancellation of his bail.

The petition stands disposed of.

Nothing mentioned in this order will be taken as an expression of opinion on the merits of the case.

CRM-33323-2019

This is an application for interim bail, which has become infructuous in view of the main case decision.

June 03, 2020
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? *Yes*
Whether reportable? *No*