

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(203)

CRM-M-1002-2021

Date of Decision : 15.01.2021

Vicky

....Petitioner

Versus

State of Punjab

.....Respondent

(through video conferencing)

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Mandeep Kumar Dhot, Advocate for the petitioner.

Ms. Samina Dhir, Deputy Advocate General, Punjab.

Harsimran Singh Sethi, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in FIR No. 283, dated 20.05.2020, under Sections 22 and 29 of Narcotic Drugs & Psychotropic Substances Act, 1985, registered at Police Station City Barnala, District Barnala.

Learned counsel for the petitioner argues that initially two co-accused, namely, Ranjit Singh and Manpreet Singh were arrested alongwith the contraband and upon their disclosure statements, Harjinder Singh @ Hindi and Hardeep Singh were nominated from whom also, the contraband was recovered. According to the petitioner, his name came in the disclosure statement of Harjinder Singh @ Hindi. Learned counsel for the petitioner

submits that this Court had granted the benefit of regular bail to Hardeep Singh while deciding ***CRM No. M-29035 of 2020***, on 28.09.2020 and thereafter, on the ground of parity, co-accused Harjinder Singh @ Hindi has also been granted bail while deciding ***CRM No. M-22758 of 2020***, on 26.10.2020. Learned counsel further submits that petitioner is similarly situated as co-accused Harjinder Singh @ Hindi and Hardeep Singh and, therefore, on the ground of parity, petitioner is also entitled for the grant of regular bail.

Notice of motion.

Ms. Samina Dhir, learned Deputy Advocate General, Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State. Learned State counsel concedes the fact that initially co-accused Hardeep Singh, from whom the recovery of contraband was effected, was granted bail by this Court on 28.09.2020 and thereafter, on the ground of parity, co-accused Harjinder Singh @ Hindi was granted bail while deciding ***CRM No. M-22758 of 2020***, on 26.10.2020. Learned State counsel further concedes that as far as allegations are concerned, petitioner is similarly situated as co-accused Harjinder Singh @ Hindi and Hardeep Singh, who have already been extended the benefit of regular bail by this Court.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Once, it is not disputed that co-accused of the petitioner, who are similarly situated, namely, Hardeep Singh and Harjinder Singh @ Hindi, have been granted the benefit of regular bail, the same benefit can only be

denied to the petitioner in case, anything differentiating between the petitioner and the co-accused Hardeep Singh and Harjinder Singh @ Hindi is pointed out by the respondents. Learned State counsel concedes that no dissimilarity exists between the petitioner and co-accused mentioned herein-before. In the absence of any dissimilarity, on the ground of parity, petitioner is also entitled for the grant of regular bail as extended to the co-accused, namely, Hardeep Singh and Harjinder Singh @ Hindi.

The petitioner be released on regular bail in this case subject to the satisfaction of the trial Court/Duty Magistrate concerned.

Learned counsel for the petitioner undertakes that petitioner will not influence the trial in any manner as the challan has already been presented and in case of default of the above undertaking, the State will be at liberty to approach this Court for passing appropriate orders.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

January 15, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

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