

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM-M- 8332-2021 (O&M)

Date of Decision: 26.02.2021

Soni Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Umesh Aggarwal, Advocate
for the petitioner.

Ms. Samina Dhir, DAG, Punjab.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 53 dated 01.03.2020, under Sections 21, 25, 29 of NDPS Act, 1985 and Section 25 of Arms Act, 1959 registered at Police Station Maqboolpura, Amritsar.

Learned counsel for the petitioner would contend that the petitioner is in custody since 01.04.2020. Counsel for the petitioner has submitted that the petitioner has been nominated as an accused under the FIR on the statement of Gurwinder Singh, who was apprehended on the statement of one Prabhdeep Singh, who was apprehended at the spot on the basis of secret information. Learned counsel for the petitioner further submits that there was a recovery of 300 grams of heroin from said Prabhdeep Singh, who has been allowed bail by this Court and consequently

regular bail has also been allowed to said Gurwinder Singh alias Gindu in CRM-M-14464-2020 decided on 24.07.2020. It is contended that there is alleged recovery of 300 grams of contraband from his possession based on a disclosure statement which would be marginally more than what would constitute commercial quantity while further arguing that since the main accused namely Prabhdeep Singh and co-accused Gurwinder Singh alias Gindu have already been allowed regular bail, the petitioner ought to be allowed regular bail on the ground of parity.

Counsel for the parties have been heard.

As per prosecution version, alleged recovery of contraband was effected from the petitioner and other cases are also pending against the petitioner.

Even though learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, opposes the grant of regular bail to the petitioner, while submitting that the recovery is commercial in nature, yet it has gone uncontroverted that other co-accused have already been allowed regular bail.

The petitioner has faced incarceration since 01.04.2020.

It is not a case made out by the respondent-State that the benefit of bail if granted to the petitioner, he would be in a position to hamper the course of free and fair trial.

Since, the trial would take sufficient time and the fact that the Co-ordinate Bench has allowed bail in a similar matter, no useful purpose would be served in keeping the petitioner behind bars. At this stage, without commenting on the merits of the case, the instant petition is allowed and the petitioner is directed to be released on bail on his execution of

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adequate personal and surety bond to the satisfaction of concerned trial Court/Duty Magistrate.

26.02.2021
seema

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No