

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

218

CRM-M-12853 of 2021
Date of Decision : 12.08.2021

Simarjeet Singh

...Petitioner

Versus

State of Punjab

...Respondent

(Through video conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Bikramjeet Singh Jatana, Advocate for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab
assisted by ASI Gurcharan Singh.

Harsimran Singh Sethi, J. (Oral)

This is a second petition filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No.24 dated 15.02.2020 registered under Sections 22, 25 and 27-A of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Budhlada City, District Mansa.

Learned counsel for the petitioner submits that in the present case, allegedly recovery of 900 tablets of Clovidol 100 SR was effected from the petitioner as well as co-accused. Learned counsel for the petitioner further submits that the said recovery was done from a bag, which was tied on the handle of the motorcycle, which was being driven by co-accused namely, Harsimrandeep Singh. Learned counsel for the petitioner further submits that the said co-accused namely, Harsimrandeep Singh and another

co-accused namely, Jasdeep Singh have already been granted the benefit of regular bail by this Court and, therefore, on the ground of parity, the petitioner be also granted the benefit of regular bail, especially, in view of the fact that there is no other case pending against the petitioner.

Learned State counsel has filed custody certificate as well as status report in the Court today and the same are taken on record.

Learned State counsel does not dispute the fact that the co-accused Harsimrandeep Singh, who was driving the motorcycle has already been granted the benefit of regular bail by a Co-ordinate Bench of this Court vide order dated 23.02.2021 passed in CRM-M-4565 of 2021 and also that there is no other case pending against the petitioner.

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

In the present case, co-accused namely, Harsimrandeep Singh has already been granted the benefit of regular bail by a Co-ordinate Bench of this Court while deciding CRM-M-4565 of 2021 on 23.02.2021. The said order is as under:-

“The petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in FIR No.24 dated 15.02.2020 under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, the NDPS Act) and Sections 25, 27-A and 29 of the NDPS Act added later on, registered at Police Station City Budhlada, District Mansa.

Learned counsel for the petitioner has argued that the recovery of 900 tablets of Clovidol 100 SR was effected from the petitioner. There is no other case against the petitioner and he is in custody since 15.02.2020. The other co-accused, namely, Jasdeep Singh

has been granted bail by this Court vide order dated 05.11.2020 passed in ***CRM-M-13089-2020*** titled as ***Jasdeep Singh Versus State of Punjab***.

Learned State counsel does not dispute the custody and the quantity of contraband recovered from the petitioner. However, on the strength of custody certificate filed in Court, he has submitted that there is no other case against the petitioner. The custody certificate is taken on record.

I have heard learned counsel for the parties.

Considering the fact that the petitioner is in custody since 15.02.2020 and other co-accused Jasdeep Singh has already been admitted on bail by this Court and noticing the fact that due to COVID-19 pandemic, the trial is not likely to be concluded in near future, this Court deems it appropriate to admit the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing adequate bail and surety bonds to the satisfaction of learned trial Court.

It is made clear that in case the petitioner is found involved in any other case of similar nature, the prosecution shall be at liberty to seek cancellation of his bail in this case.

The observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and the trial Court shall decide the case without being influenced with these observations in any manner.”

Parity cannot be denied to the petitioner unless and until any differentiating fact is pointed out to the Court between the petitioner and the co-accused, who has already been granted the concession of bail. In the present case, learned State counsel has not been able to point out any differentiating fact between the petitioner and co-accused Harsimrandeep

Singh, who has already been granted the benefit of regular bail by this Court while deciding CRM-M-4565 of 2021 on 23.02.2021. Rather even as per allegations against the petitioner, he was a pillion rider on the motorcycle being driven by co-accused Harsimrandeep Singh and recovery of the contraband was from the bag tied on the handle of the said motorcycle. Therefore, the petitioner has made out a case for the grant of benefit of regular bail on the ground of parity.

Without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of trial Court/Duty Magistrate concerned.

Learned counsel for the petitioner undertakes that petitioner will not obstruct the trial in any manner or influence the witnesses, whose statement is yet to be recorded 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.

August 12, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No