

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-31090-2020 (O&M)
Date of Decision:- 01.12.2021

Vishal Kumar @ Kaka @ Bidi ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Rahul Sharma, Advocate, for the petitioner.

Mr. Harbir Sandhu, AAG, Punjab,
assisted by SI Barjinder Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in a case registered vide FIR No.138, dated 10.10.2019, Police Station Doraha, District Ludhiana, under Sections 21/61 of NDPS Act and Sections 25/27/54 of Arms Act.
2. As per the case of prosecution, the police received secret information on 10.10.2019 to the effect that Jasdeep Singh, Sukhwinder Singh and Vishal Kumar (petitioner) indulged in sale of 'Heroin' and that on the given day they were travelling in a car bearing registration No. HR-06Q-6027 along with the contraband. Pursuant to receipt of said

information barricading was held and all the three were apprehended by the police. It is the case of prosecution that while co-accused Jasdeep Singh was driving the vehicle in question and was also owner of the same, Sukhwinder Singh was sitting on the front passenger seat and petitioner-Vishal Kumar was sitting on the rear seat. Upon search of the accused as well as the vehicle, 266 grams of 'Heroin' along with a pistol .32 bore, 2 magazines with 10 live cartridges and 1 pistol 9.mm along with 6 live cartridges were recovered.

3. Learned counsel for the petitioner seeks regular bail mainly on the grounds of parity as identically situated co-accused Jasdeep Singh who is the owner of the car in question and was driving the same has already been granted bail by this Court vide order dated 10.9.2021. It has been submitted that the petitioner in any case is on better footing inasmuch as he has been behind bars for a substantial period of 2 years.
4. Opposing the petition, learned State counsel has submitted that since it is a case of recovery of 'commercial quantity' of contraband along with some arms, no case for grant of bail is made out particularly when some arms were recovered from the petitioner also. Learned State counsel has however, not disputed the fact that the petitioner has been behind bars since the last about 2 years and till date not even a single PW out of the cited 22 PWs has been examined. It has also been informed that the petitioner is not involved in any other case.

5. Without commenting anything as regards the merits of the case, but while noticing that an identically situated co-accused has already been granted bail by this Court, the petitioner would deserve the same concession on the grounds of parity. In any case, the petitioner has been behind bars for a substantial period of more than 2 years and conclusion of trial is likely to consume time as none out of the cited 22 PWs has been examined. In these circumstances and while also noticing that the petitioner is not a previous convict, the petition is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

01.12.2021

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No