

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

**Sr. No.228**

**CRM-M-36871-2021**

**Date of decision: 02.11.2021**

Ajay Kumar

....Petitioner

Versus

State of Punjab

....Respondent

**CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL**

Present: Mr. Vipul Jindal, Advocate  
for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

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**DEEPAK SIBAL, J. (Oral)**

The matter has been taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.20 dated 02.02.2021, registered under Sections 21-C, 25, 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station ST, Phase-IV, SAS Nagar, Mohali.

Briefly stated, the case of the prosecution is that on receipt of secret information, the police arrested co-accused Inderpal Singh @ Inder from whose possession 1.20 kgs of heroin was recovered and accordingly, he was arrested. Inderpal Singh's mobile was also taken into possession. On being interrogated, Inderpal Singh disclosed that the recovered heroin had been supplied to him by the petitioner who in turn had been supplied the same by Jatinder Singh @ Tiddi. He further disclosed the mode and manner of supplying of heroin by the co-accused to him. Further, investigation revealed the exchange of phone calls between all the three accused and

that as per the tower locations co-accused Jatinder Singh @ Tiddi and the petitioner were found to be at the locations disclosed by Inderpal Singh.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case; the petitioner does not face any other criminal case; report under Section 173 Cr.P.C. has already been filed and therefore, the petitioner is not in a position to influence the investigation; the petitioner is in custody since 14.02.2021; no narcotics or psychotropic substances have been recovered from the petitioner; the entire case is based on circumstantial evidence with broken links; the entire case of the prosecution is based on presumptions; co-accused Jatinder Singh @ Tiddi, who is similarly placed as the petitioner and had earlier approached this Court through CRM-M-25383-2021 – Jatinder Singh @ Tiddi vs. State of Punjab and has been granted regular bail by a Coordinate Bench of this Court and that in the petitioner's trial in which 21 prosecution witnesses still remain to be examined will take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that the petitioner is involved in the dealing of heroin and if he is released on bail, he may indulge in similar offences.

It is not disputed that the case of the prosecution qua the petitioner and co-accused Jatinder Singh @ Tiddi is similar and that co-accused Jatinder Singh @ Tiddi has been granted regular bail by a Coordinate Bench of this Court which order remains unchallenged by the State. Thus, primarily on the ground of parity and because the investigation in this case is complete as also for the reason that the petitioner's trial in which 21 prosecution witnesses still remain to be examined is likely to take a long time to conclude, the present case is considered to be a fit one in

which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Amritsar, the petitioner is directed to be released on bail.

It is clarified that in case the petitioner is found indulging in similar offences, the State would be at liberty to approach this Court for cancellation of bail granted to him through the present order.

**November 02, 2021**  
*Jyoti 1*

**(DEEPAK SIBAL)**  
**JUDGE**

|                           |        |
|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |