

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(212)

CRM-M-43355-2021

Date of decision: - 27.10.2021

Bikram Singh @ Vicky

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Parvinder Singh, Advocate
for the petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab.
(keeping in view of the advance copy given).

(Through Video Conferencing)

HARSIMRAN SINGH SETHI, J. (ORAL)

Present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No.72 dated 22.05.2019, registered under Sections 22 and 61 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (Sections 27, 29 and 85 of the NDPS Act, 1985; Section 52-A of Prisons Act and Section 411 of the IPC were added later on), at Police Station Division No.2, Ludhiana.

Learned counsel for the petitioner argues that no recovery of the contraband has been done from the petitioner and the only allegation against him is that he was in touch with co-accused, namely, Suraj Kumar

alias Kali, who tried to smuggle the drugs into the jail premises. Learned counsel for the petitioner further argues that the said allegations are yet to be proved during the trial. Learned counsel for the petitioner submits that as a similarly co-accused, namely, Raminder Singh, against whom the similar allegations were alleged, has already been extended the concession of regular bail by this Court while deciding CRM-M-42519-2020 on 27.08.2021, therefore, on the ground of parity, the petitioner may kindly also be extended the benefit of regular bail.

Notice of motion.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

Learned State counsel does not dispute the fact that the contraband was recovered from co-accused, namely, Suraj Kumar alias Kali while he was trying to smuggle the same into the jail premises and also the fact that co-accused, namely, Raminder Singh, against whom the similar allegations have been alleged, has already been extended the concession 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, no recovery of the contraband has been done from the petitioner and the only allegation against him is that co-accused, namely, Suraj Kumar alias Kali, who tried to smuggle the contraband into the jail premises was conniving with the petitioner, which allegation is yet to be proved during the trial and nothing was recovered from the petitioner at

the time of the incident, petitioner has made out a case for the grant of bail.

In view of the above and without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, if not required to be detained in any other 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 or the witnesses in any manner and in case of default of the above undertaking, the State/complainant 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.

October 27, 2021
naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No