

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

(205)

CRM-M-43058-2020

Date of Decision: January 06, 2021

Joginder Singh

.. Petitioner

Versus

State of Haryana

.. Respondent

(Through video conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Lupil Gupta, Advocate, for the petitioner.

Mr. Sharad Aggarwal, AAG, Haryana.

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. 398 dated 30.09.2019 under Section 22-C of the NDPS Act, 1985 registered at Police Station Rania, District Sirsa.

Learned counsel for the petitioner argues that co-accused namely Surender Singh has already been granted the benefit of regular bail by this Court on 07.10.2020 while deciding CRM-M-8316 of 2020 as well as another co-accused Gurdeep Singh has been granted the benefit of anticipatory bail on 03.12.2019 while deciding CRM-M-47268 of 2019 therefore, the petitioner be also granted the benefit of regular bail on the ground of parity.

Notice of motion.

Mr. Sharad Aggarwal, learned Assistant Advocate General,

Haryana, who has joined the proceedings through video conference, keeping

in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

Learned counsel for the respondent-State controvert the claim of the petitioner seeking bail on parity. Learned counsel for the respondent-State submits that as far as co-accused Surender Singh is concerned, he has been granted regular bail on the ground that Surender Singh was driving the motorcycle whereas the petitioner, who was the pillion rider, was carrying contraband which was recovered by the police. With regard to the co-accused Gurdeep Singh, he was granted the benefit of anticipatory bail as, nothing was recovered from him and he was only roped in the present FIR on the basis of the disclosure statement of the present accused.

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

The parity, which is being claimed by the petitioner for the grant of benefit of regular bail with co-accused Surender Singh as well as co-accused Gurdeep Singh, is totally misplaced. Co-accused Surender Singh has been granted the benefit of regular bail by noticing the fact that the recovery of the contraband was done from the present petitioner namely Joginder Singh and with regard to the co-accused Gurdeep Singh, he was roped in the present FIR on the basis of the disclosure statement of the petitioner and nothing had been recovered from him. Hence, once the recovery of the contraband is from the petitioner, his case is different from the other co-accused and parity being claimed for the grant of bail is misplaced.

Learned counsel for the petitioner further argues that the petitioner is already behind bars for the last approximately one year and therefore, he is entitled for the grant of bail. Mere custody of one year will not give a right to the petitioner to claim the benefit of regular bail by ignoring the facts of this case when admittedly commercial quantity of banned substance has been recovered from him.

No other argument has been raised.

In view of the above, no ground is made out to the grant the benefit of regular bail to the petitioner.

Accordingly, the present petition is dismissed.

(HARSIMRAN SINGH SETHI)
JUDGE

January 06, 2021
harsha

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