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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM-M-11699-2022

Date of Decision: 24.03.2022

Gurmail Singh

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Kushager Goyal, Advocate, for
Mr. Lalit Kumar, Advocate,
for the petitioner.

Mr. Raman Kumar Sharma, Additional A.G., Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

The petitioner is seeking regular bail in FIR No.7, dated 08.01.2020, under Section 22-C of the NDPS Act, registered at Police Station Civil Line, District Sirsa.

Learned counsel for the petitioner argues that no recovery has been effected from the petitioner and he has been involved in the present case only on the basis of the disclosure statement of co-accused, namely Karnail Singh @ Kelu, from whom the recovery of contraband was effected. Learned counsel further submits that the said co-accused has already been extended the concession of regular bail by a co-ordinate Bench of this Court while passing order dated 21.01.2022 in CRM-M-20141-2021, therefore even otherwise, the petitioner is entitled for the grant of regular bail on the ground of parity.

Learned State counsel submits that in the present case, the main accused, namely Karnail Singh @ Kelu, from whom the contraband was

recovered, has disclosed in his statement that the contraband recovered from him was purchased from the petitioner, therefore, the petitioner cannot escape the liability. Though, learned State counsel concedes the fact that a co-ordinate Bench of this Court, while passing order in CRM-M-20141-2021, has already extended the concession of regular bail to the said co-accused.

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

Keeping in view the facts that no recovery of the contraband was effected from the petitioner and that he has been involved in the present case only on the basis of disclosure statement of the said co-accused, namely Karnail Singh @ Kelu, along with the fact that nothing has been produced before this Court to substantiate the said disclosure statement of the co-accused, in light of the settled principle of law as laid down by the Hon'ble Supreme Court of India in its judgment passed in **Criminal Appeal No.152 of 2013**, titled as *“Tofan Singh Vs. State of Tamil Nadu”*, the petitioner is entitled for the grant of regular bail, especially in view of the facts that even the allegations alleged in the said disclosure statement of the co-accused are yet to be proved during the trial. Learned counsel for the petitioner has undertaken before this Court that the petitioner will maintain good conduct and will not influence the trial or the witnesses in any manner.

Even otherwise, once the main accused, from whom the contraband was recovered, has already been extended the concession of regular bail by a co-ordinate Bench while passing order dated 21.01.2022 in CRM-M-20141-2021, the petitioner, who is on a better footing than the said co-accused, becomes entitled for the grant of regular bail on the ground of

parity.

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, subject to the satisfaction of the trial Court/Duty Magistrate concerned.

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.

24.03.2022

Apurva

(HARSIMRAN SINGH SETHI)
JUDGE

1. Whether speaking/reasoned : Yes
2. Whether reportable : Yes