

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(204)

CRM No. M-14231-2022(O&M)

Date of Decision : 08.04.2022

Kapil Dev

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Chandan Singh Rana, Advocate for the petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab.

Harsimran Singh Sethi, J. (Oral)

CRM No. 12653 of 2022

Application is allowed, as prayed for.

CRM No. M-14231 of 2022

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in FIR No. 72 dated 22.05.2019, registered under Section 22/27/29 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Division No. 2, District Ludhiana.

Learned counsel for the petitioner argues that in the present case, no contraband was recovered from the petitioner and the petitioner was involved in the present case only on the basis of disclosure statement of another co-accused, namely, Raminder Singh. Learned counsel for the petitioner further argues that the similarly situated co-accused, namely,

Raminder Singh, who was also involved in the present case, who disclosed

the name of the petitioner, has already been granted the concession of regular bail by this Court while passing order in CRM No. M-42519 of 2020, decided on 27.08.2021 and, therefore, on the ground of parity, petitioner may also be extended the concession of regular bail.

Notice of motion.

On the asking of the Court, Mr. Kirat Singh Sidhu, learned Deputy Advocate General, Punjab, who is present in Court, accepts notice on behalf of the respondent-State.

Learned State counsel concedes the fact that no recovery of the contraband has been done from the petitioner and the petitioner is involved in the present case only on the basis of disclosure statement of a co-accused. Learned State counsel further concedes the fact that the allegations against the petitioner and co-accused Raminder Singh are identical in nature and the said co-accused has already been extended the concession of regular bail while passing order in CRM No. M-42519 of 2020, decided on 27.08.2021.

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

Keeping in view the fact that it is a conceded position that no contraband has been recovered from the petitioner and the petitioner has been involved in the present case only on the basis of disclosure statement of a co-accused, which disclosure statement is yet to be proved during the trial coupled with the fact that the similarly situated co-accused, Raminder Singh, has already been extended the concession of regular bail while passing order in CRM No. M-42519 of 2020, decided on 27.08.2021, the petitioner has made out a case for the grant of regular bail, especially when,

petitioner will not influence the trial in any manner and will maintain good conduct, if he is granted bail. In case of default of the undertaking, the State will be at liberty to approach this Court for passing appropriate orders.

The petitioner is directed to be released on regular bail in this case 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.

April 08, 2022
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? *Yes*

Whether reportable? *No*