

CRM-M-14551-2022

Date of decision: 18.04.2022

SUKHCHAIN SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Amit Dhawan, Advocate
for the petitioner.

Mr. Hittan Nehra, Addl. AG, Punjab.

VIVEK PURI, J. (ORAL)

Sukhchain Singh-petitioner is seeking bail under Section 439 Cr.P.C in the case bearing FIR No.37 dated 24.03.2020 under Sections 21 and 25 of NDPS Act, registered at Police Station Sidhwan Bet, District Ludhiana.

Briefly, as per the version of the prosecution, on 24.03.2020, the petitioner along with 04 co-accused were found travelling in the car bearing registration No. PB-25-G-0307. Sukhdev Singh @ Debi, the co-accused was driving the car and during the course of his search, a packet containing 500 grams of *heroin* was recovered from the inner pocket of the pant worn by him.

Learned counsel for the petitioner contends that no recovery has been effected from the petitioner, he was neither the driver nor owner of the car and two similarly placed co-accused namely, Jaskaran Singh and Ravi Kumar @ Garry have been granted regular bail in terms of order dated 24.02.2022 in CRM-M-49472-2021 and order dated 16.03.2022 passed in CRM-M-10314-2022 respectively. The case of the petitioner is at par with them. He is in custody for a period of 02 years and 22 days.

Learned State counsel has mainly opposed the bail application on the

score that the petitioner is involved in another case under NDPS.

Faced with this situation, learned counsel for the petitioner contends that even Ravi Kumar @ Garry was involved in five more cases, one under NDPS Act and four under IPC but he was granted concession of bail and he was on bail in all other cases. Even, the petitioner is on bail in the other case under NDPS Act registered against him.

In these set of circumstances, the case of the petitioner has to be termed to be at parity with Jaskaran Singh and Ravi Kumar @ Garry co-accused, who have been released on bail. It will remain a debatable and moot point during trial that the petitioner was also in conscious possession of the recovery which has been effected from the co-accused. The petitioner is neither the owner nor driver of the car. As such, sufficient mitigating circumstances are made out to extend the concession of the bail to the petitioner.

Without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on bail on his furnishing requisite bail bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

The petition is allowed accordingly.

18.04.2022
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(VIVEK PURI)
JUDGE

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