

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

CRM-M-31250-2022

Date of Decision : 30.08.2022

Baljinder Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Dr. Sumati Jund, Advocate for the petitioner.
Mr. Kunal Vinayak, AAG, Punjab.

JASGURPREET SINGH PURI, J(ORAL)

The present petition is a second petition filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No.46 dated 31.03.2019, under Sections 15 & 25 of the Narcotic Drugs & Psychotropic Substances Act (in short 'the Act'), registered at Police Station Cantt. Jalandhar, District Police Commissionerate, Jalandhar.

At the outset, learned counsel for the petitioner has submitted that the petitioner is in custody from 31.03.2019 and there are total three accused in the present case. The other two co-accused have been granted regular bail by this Court vide Annexures P-4 and P-5 by detailed orders. He further submitted that the bail was granted to both the co-accused on the ground that there was a violation of Sections 42 and 50 of the Act and the reasons have been discussed in detail in both the aforesaid bail orders. He submitted that the petitioner is not involved in any other case. He further submitted that the petitioner is also at parity with the aforesaid two co-accused and, therefore, he may be considered

for the grant of regular bail.

On the other hand, learned State counsel has stated that it is correct that the petitioner is at parity with the co-accused who have been granted bail by this Court vide Annexures P-4 and P-5 wherein in detail it has been observed that Sections 42 and 50 of the Act were not complied with. He further submitted that it is also correct that the petitioner is not involved in any other case.

In view of the facts and circumstances since the petitioner is at parity with two co-accused namely Jagtar Singh and Hem Singh, who were granted regular bail by detail orders due to violation of mandatory provisions under Sections 42 and 50 of the Act, the petitioner is also entitled for the grant of regular bail particularly in view of the fact that he has got clean antecedents and is not involved in any other case according to the learned counsel for the parties.

Consequently, the present petition is allowed. The petitioner is ordered to be released on bail on furnishing of bail bonds/surety bonds to the satisfaction of the concerned Chief Judicial Magistrate/Trial Court/Duty Magistrate.

However, anything observed herein above shall have no effect on the merits of the case and is meant for deciding the present petition only.

(JASGURPREET SINGH PURI)
JUDGE

30.08.2022
mamta

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No