

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

**CRM-M-31836-2022**

**Date of Decision: 28<sup>th</sup> July, 2022**

Gurmukh Singh

... Petitioner

Versus

State of Punjab

... Respondent

**CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN**

Present : Mr. Aarush Garg, Advocate for the petitioner.  
Mr. Sandeep Kumar, DAG, Punjab.

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**AVNEESH JHINGAN , J.(Oral)**

1. This petition under Section 439 Cr.P.C. is filed seeking regular bail in FIR No. 251, dated 14<sup>th</sup> May, 2022, under Section 21 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the Act'), registered at Police Station Zirakpur, District SAS Nagar.
2. Learned counsel for the petitioner claims parity with co-accused Yadwinder Singh who was granted regular bail by this court on 11<sup>th</sup> July, 2022.
3. On 11<sup>th</sup> July, 2022, this Court passed the following order:

*“This petition under Section 439 Cr.P.C. is filed seeking regular bail in FIR No. 251 dated 14.5.2022, under Section 21 of the Narcotic Drugs & Psychotropic Substances Act, 1985 registered at Police Station Zirakpur, District SAS Nagar.*

*As per the allegations, on 14.5.2022, car bearing registration No. PB-01-A-4423 owned and driven by Ranjit Singh and occupants being Yadwinder Singh (petitioner) and Gurmukh Singh was checked. One hundred and fifty grams of heroin was recovered from the dash board of the car.*

*Learned counsel for the petitioner submits that the petitioner is in custody since 14.5.2022, no recovery was made from the petitioner, he has no criminal antecedents, the petitioner was neither owner nor incharge of the car and the alleged recovery from the car is of non-commercial quantity.*

*Learned counsel for the State opposes the prayer for grant of bail. He submits that the petitioner was occupant of the car from which one hundred and fifty grams of heroin was recovered.*

*Without commenting on the merits of the case, considering the nature of allegations against the petitioner, the recovery from the car is of non-commercial quantity, the petitioner has no criminal antecedents and the conclusion of investigation and trial is likely to take time, the petitioner is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.*

*The petition is allowed.*

*It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.”*

3. Learned counsel for the State though opposes the prayer for grant of bail, but is not in a position to distinguish the case of the petitioner qua the co-accused so far as grant of bail is concerned.
4. Without commenting on the merits of the case, on the basis of parity of petition vis-a-vis co-accused so far grant bail concerned and considering that the conclusion of investigation and trial is likely to take time, the petitioner is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.
5. The petition is allowed.
6. However, it is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

**(AVNEESH JHINGAN )  
JUDGE**

**28<sup>th</sup> July, 2022**  
*Parveen Sharma*

|                           |        |
|---------------------------|--------|
| Whether reasoned/speaking | Yes/No |
| Whether reportable        | Yes/No |