

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

242

CRM-M-41337-2021

Date of Decision: 15.02.2022

Harpal Singh @ Raju

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Ms. Simsi Dhir Malhotra, Advocate, for the petitioner.

Mr. Anmol Singh Sandhu, AAG, Punjab.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.208 dated 06.07.2018 at Police Station City Khanna-I, District Ludhiana, under Section 22 of the NDPS Act.
2. As per the case of the prosecution on 06.07.2018, the petitioner was found in possession of 1300 loose tablets of Parvon Spas Plus containing 'Tramadol Hydrochloride', while his companion Parvinder Singh @ Phagga was found in possession of 500 capsules of Parvon Spas Plus.
3. Learned counsel for the petitioner has submitted that since the co-accused Parvinder Singh, who was also found to be carrying a 'commercial' quantity of contraband, has already been granted regular bail vide order dated 14.02.2020 passed in CRM-M-37713-2019, therefore, the petitioner, who has already been behind bars since the last about 3 years & 7 months deserves the same concession on the grounds of parity.

4. Opposing the petition, learned State counsel has submitted that since a huge quantity of contraband, which would fall in the category of 'commercial' quantity was recovered from the petitioner, no case for grant of bail is made out. Learned State counsel has, however, not disputed the fact that the petitioner has been behind bars since the last about 3 years & 7 months. It has also been informed that the petitioner is not involved in any other case and that as on date only 3 out of cited 11 PWs have been examined.
5. I have considered rival submissions addressed before this Court.
6. It is not in dispute that it is a case of recovery of 'commercial' quantity of contraband. However, the petitioner has been behind bars for a substantial period of 3 years & 7 months and only few witnesses i.e. 3 out of cited 11 PWs have been examined. Conclusion of trial will consume time, as 8 PWs are yet to be examined. Identically situated co-accused has already been released on bail, which would entitle the petitioner to concession of bail on the grounds of parity as well.
7. In view of the aforestated position particularly keeping in view the custody and parity and also the fact that the petitioner, otherwise, has a clean record, the petition is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

15.02.2022

Vimal

**(GURVINDER SINGH GILL)
JUDGE**Whether speaking/reasoned:
Whether reportable:Yes/No
Yes/No