

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

209

CRM-M-41830-2021

Date of Decision :22.02.2022

Sukhwinder Singh @ Raju

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Rahul Sharma, Advocate for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab.

Harsimran Singh Sethi, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No.05 dated 08.01.2021 registered under Sections 18, 25, 61 and 58 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Dakha, District Ludhiana.

Learned counsel for the petitioner argues that as per the allegations, 100 grams of Opium each was recovered from the petitioner namely, Sukhwinder Singh @ Raju and from co-accused namely, Balwinder Singh @ Happy, whereas, 3 kgs. 800 grams of Opium was recovered from another co-accused namely, Abid Hussain. Learned counsel for the petitioner submits that the co-accused namely, Balwinder Singh @ Happy, from whom the similar quantity of contraband as that of the petitioner was recovered, has already been extended the benefit of regular bail by a

Coordinate Bench of this Court while passing order in CRM-M-26597-2021 on 12.08.2021 and, therefore, on the ground of parity the petitioner may also be granted the benefit of regular bail.

Learned State counsel concedes the factum that 100 grams of opium was recovered from the petitioner, which quantity is similar to that recovered from the co-accused Balwinder Singh @ Happy, who has already been extended the benefit of regular bail by a Coordinate Bench of this Court while passing order in CRM-M-26597-2021 on 12.08.2021.

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

Keeping in view the fact that the co-accused involving the same allegations as alleged against the petitioner, has already been extended the benefit of regular bail by a Coordinate Bench of this Court while passing order in CRM-M-26597-2021 on 12.08.2021, which fact is not disputed by the learned State counsel and no differentiating fact between the case of petitioner and that of said co-accused, has been brought to the notice of this Court, the petitioner has made out a case for the grant of benefit of regular bail on the ground of parity, especially, when learned counsel for the petitioner has undertaken before this Court that the petitioner will not obstruct the trial or influence the witnesses, whose statements are yet to be recorded in any manner. In case of default of the above undertaking, the State will be at liberty to approach this Court for passing appropriate orders.

Without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of 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.

February 22, 2022
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(HARSIMRAN SINGH SETHI)
JUDGE

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