

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-40070 of 2022
Date of Decision:08.09.2022

Jagwinder Singh @ Binder

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

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

Mr. Kunal Vinayak, AAG, Punjab

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.92 dated 21.06.2021, under Sections 22(c) of the NDPS Act, registered at Police Station Sadar Bathinda, District Bathinda.

It has been submitted by the learned counsel for the petitioner that the petitioner is in custody from 21.06.2021. He submitted that it is the case where the petitioner alongwith co-accused was sitting and there was a transparent bag lying on the floor from where there was an alleged recovery of 1800 tablets of Tramadol. He submitted that the story of the prosecution is totally concocted and

the other co-accused namely Moorti Kaur @ Murti Kaur @ Gurpreet Kaur @ Gaggu has been already granted bail by this Court by passing a detailed order while considering all the facts and circumstances as to not only that the recovery was effected on the spot and also considering the effect of Section 37 of the NDPS Act, 1985. He submitted that the petitioner is at parity alongwith other co-accused and therefore he may be considered for grant of regular bail.

On the other hand, Mr. Kunal Vinayak, learned AAG, Punjab, has stated that it is correct that while passing the detailed order the other co-accused namely Moorti Kaur @ Murti Kaur @ Gurpreet Kaur @ Gaggu has been granted bail by this Court vide Annexure P-2 and the petitioner is at a parity with the aforesaid co-accused. However, the petitioner is involved in one more case under the NDPS Act whereas the co-accused was not involved in any other case.

I have heard the learned counsel for the parties.

This Court while dealing with the bail petition of the co-accused of the petitioner, namely Moorti Kaur @ Murti Kaur @ Gurpreet Kaur @ Gaggu passed a detailed order while granting the bail to the aforesaid co-accused vide Annexure P-2 wherein the effect of Section 37 of the NDPS Act was also discussed. The petitioner is at parity with the aforesaid co-accused. The mere fact that the petitioner is involved in any other case, would not dis-entitle him to grant of regular bail.

Consequently, the present petition is also allowed and the petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an

expresion of opinion on merits of the case and is only meant for the purpose of decision of present petition.

(JASGURPREET SINGH PURI)
JUDGE

September 08, 2022
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Whether speaking	:	Yes/No
Whether reportable	:	Yes/No