

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

207

CRM-M-53490-2021

Date of decision : 07.01.2022

JAGSIR SINGH ALIAS LOGO

..... Petitioner

VERSUS

STATE OF PUNJAB

..... Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present :- Mr. Laghuinder Singh Sekhon, Advocate
for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab.

(Through video conferencing)

Harsimran Singh Sethi, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.188 dated 22.06.2021 under Section 22 of NDPS Act, registered at Police Station Sadar Mansa, District Mansa.

Learned counsel for the petitioner argues that in the present case, the allegation is that 200 intoxicant tablets of tramadol were recovered from the petitioner and 190 tablets were recovered from the co-accused namely, Charanjit Kaur @ Charno. Learned counsel further submits that as the quantity of the contraband recovered from the petitioner as well as the co-accused Charanjit Kaur @ Charno was not commercial in nature, therefore the rigors of Section 37 of the NDPS Act will not come into play, further this Court while deciding CRM-M-36965-2021, has already granted the regular bail to co-accused Charanjit Kaur @ Charno. Learned counsel submits that the allegations against the petitioner are identical to that of Charanjit Kaur @ Charno and therefore, the petitioner be also extended the same concession on the ground of parity.

The Learned State counsel concedes the factum that co-accused Charanjit Kaur @ Charno against whom also, the similar allegations have been alleged, has been granted the concession of regular bail by this Court. He does not dispute that the allegations alleged against the petitioner and co-accused are same with the only difference that from co-accused 190 tablets of tramadol were recovered and whereas 200 intoxicant tablets of tramadol were recovered from the petitioner.

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

Once, the co-accused against whom the similar allegations have been alleged has been granted concession of bail, the petitioner has also become entitled for the same especially in view of the fact that the quantity of the contraband recovered from the petitioner, is not of commercial in nature coupled with the fact that no fact, differentiating the case of the petitioner with that of the co-accused Charanjit Kaur @ Charno, who has been granted the concession of regular bail, has been brought to the notice of this Court.

In view of the above and without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of the 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.

(HARSIMRAN SINGH SETHI)
JUDGE

07.01.2022
rimpal

Whether speaking/reasoned
Whether Reportable :

Yes
No