

CRM-M-6110-2023

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-6110-2023

Date of decision: 09.05.2023

Gagandeep

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Davinder Singh Khurana, Advocate,
for the petitioner.

Ms. Akshita Chauhan, DAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Through this second petition (the first one having been dismissed as withdrawn on 16.03.2022), the petitioner seeks regular bail in case bearing FIR No.313 dated 17.11.2020, registered at Police Station Shahkot, District Jalandhar Rural, under Sections 21(c) and 29 NDPS Act, Section 25 of the Arms Act, 1959 and Sections 7(2) and 13 of the Prevention of Corruption Act.

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in the present case; that no recovery had been effected from the petitioner, and that in the disclosure statement, one of the accused named one Balkar Singh @ Balli, who in turn had named the petitioner. He further contends that though the petitioner is facing trial in another case under the NDPS Act, yet he claims parity with similarly situated co-accused, namely, Amritpal Singh who was involved in other

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cases under the NDPS Act, but has since been granted the concession of regular bail, vide order dated 13.02.2023. Moreover, co-accused, namely, Jasvir Singh @ Jasveer Singh @ Jassa has since been granted the concession of regular bail by the Coordinate Bench.

Learned counsel further contends that both the kidneys of the brother of the petitioner, namely, Chhagandeep have completely damaged; that his brother has been admitted to PGIMER, Chandigarh, to undergo kidney transplantation and his health condition is deteriorating day by day; that the petitioner intends to donate his kidney to his brother out of affection and attachment and that name of the petitioner being a donor has been mentioned in the medical report card (Annexure P-4) of the brother of the petitioner.

Learned State counsel, while opposing the grant of bail to the petitioner, submits that though no recovery was effected from the petitioner, yet the fact remains that the petitioner had been indicted on the disclosure statement of co-accused Balkar Singh @ Balli, who stated that he had sold ½ kg. heroin to the petitioner. She further submits that the petitioner is involved in another case registered under the NDPS Act, and that the material witnesses are yet to be examined.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 20.01.2020. As stated above, similarly situated co-accused, Amritpal Singh, who was involved in other cases under the NDPS Act, has since been granted the concession of regular bail. Moreover, co-accused, namely, Jasvir Singh @ Jasveer Singh @ Jassa has since been granted the concession of regular bail, and the

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petitioner has been released on bail in another case registered under the NDPS Act.

As stated above, health condition of the brother of the petitioner is deteriorating day by day and he is undergoing the treatment for kidney transplantation. The name of petitioner being a donor has been mentioned in the medical report card (Annexure P-4) of the brother of the petitioner issued by the PGIMER, Chandigarh.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

09.05.2023

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No