

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

**CRM-M-8517-2023 (O&M)
Date of Decision: 21.04.2023**

Harjinder Singh @ Jindu

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. L.S. Sekhon, Advocate, for the petitioner.

Mr. Arun William, AAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

1. The present is a second petition filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in FIR No.109 dated 03.08.2021, under Sections 18-C, 29 of NDPS Act, registered at Police Station Division No.1, Ludhiana, District Ludhiana.

2. Learned counsel for the petitioner has submitted that the petitioner is in custody for 1 year and 8 months and the allegations against the petitioner and the other co-accused namely Jagtar Singh were that they were travelling together and from them there has been a recovery of 2 kg. and 700 grams of opium. He submitted that under the NDPS Act the commercial quantity is defined as 2 kg. and 500 grams of opium and the present quantity is marginally higher than the aforesaid. He submitted that the petitioner is not involved in any other case under the NDPS Act and the other similarly situated co-accused who is at parity with the petitioner namely Jagtar

Singh has already been extended the benefit of regular bail by a Co-ordinate Bench of this Court in CRM-M-21460-2022 on 08.02.2023. He submitted that so far as the present petitioner is concerned, he may also be considered for the grant of regular bail. He submitted that even otherwise also three witnesses have already been examined in the present case and the trial of the case may take long time and in view of the long custody of the petitioner and the fact that the other co-accused who is at parity with the petitioner has been extended the benefit of regular bail, the petitioner may also be considered for the grant of regular bail.

3. On the other hand, Mr. Arun William, learned AAG, Punjab has submitted that it is correct that the petitioner is in custody for 1 year and 8 months and the other co-accused namely Jagtar Singh who is at parity with the petitioner has been granted regular bail by a Co-ordinate Bench of this Court.

4. I have heard the learned counsel for the parties.

5. The petitioner has faced incarceration for 1 year and 8 months. The alleged recovery from the petitioner and the other co-accused was 2 kg. and 700 grams of opium which is marginally higher than the commercial quantity. The other co-accused namely Jagtar Singh who is at parity with the petitioner has been extended the benefit of regular bail by a Co-ordinate Bench of this Court vide Annexure P-3 and therefore the petitioner is also entitled for the grant of regular bail in view of the aforesaid position.

6. Consequently, the present petition is allowed. 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, if not required in any other case.

7. However, anything observed hereinabove shall not be treated as

an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

21.04.2023

rakesh

Whether speaking

Whether reportable

(JASGURPREET SINGH PURI)

JUDGE

: Yes/No

: Yes/No