

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

220

CRM-M-27018 of 2023

Date of Decision:03.07.2023

Paramjit Singh @ Ajay

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Davinder Bir Singh, Advocate,
for the petitioner.

Mr. Rajiv Verma, DAG, Punjab

JASGURPREET SINGH PURI, J. (Oral)

1. The present is a third petition filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.0042 dated 19.03.2020, under Sections 21, 25, 61, 85 of the NDPS Act (Section 29 of the NDPS Act and Section 473 IPC added later on), registered at Police Station Jagraon City, District Ludhiana Rural.

2. It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated by the police in the present case. He submitted that the petitioner has clean antecedents and is not involved in any other case and as per the allegations the petitioner alongwith other co-accused namely Lal Singh @ Gagan were apprehended by the police alongwith two kilograms heroin and a cash of Rs.3,12,000/-. He submitted that the petitioner has already faced incarceration

for about 3 years and 3 months and out of 28 cited prosecution witnesses only 7 have been examined.

3. Learned counsel for the petitioner has further supplied a copy of an order passed by a co-ordinate Bench of this Court in CRM-M-24924 of 2023 decided on 22.05.2023 wherein the co-accused namely Lal Singh @ Gagan has been granted the concession of regular bail especially in view of the long incarceration and also while relying upon the judgment of the Hon'ble Supreme Court in Mohd Muslim @ Hussain versus State (NCT of Delhi) 2023 AIR (SCC) 1648. He further submitted that the petitioner is exactly at parity with the aforesaid co-accused namely Lal Singh @ Gagan and therefore the petitioner may be considered for the grant of regular bail.

4. On the other hand, Mr. Rajiv Verma, learned DAG, Punjab has submitted that it is correct that the petitioner is in custody since last 3 years and 3 months and as per the custody certificate, the petitioner is not involved in any other case. So far as the parity with the other co-accused is concerned, he has not disputed the same.

5. I have heard learned counsel for the parties.

6. In view of the aforesaid facts and circumstances of the present case wherein the petitioner has already suffered incarceration for 3 years and 3 months and another co-accused namely Lal Singh @ Gagan has already been extended the benefit of regular bail by a co-ordinate Bench of this Court, the petitioner will also be entitled for the grant of regular bail. 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.

7. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of the present petition.

(JASGURPREET SINGH PURI)
JUDGE

July 03, 2023
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Whether speaking	:	Yes/No
Whether reportable	:	Yes/No