

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

207

CRM-M-35507-2022

Date of Decision :27.03.2023

Satvir Singh @ Shanky

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Bachanpreet Singh, Advocate and
Ms. Monika Kumar, Advocate for the petitioner.

Mr. Gurvinder Singh, AAG, Punjab.

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Harsimran Singh Sethi, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No.0034 dated 04.06.2021 registered under Sections 21, 22, 25 and 61 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station, Sehna, District Barnala.

Learned counsel for the petitioner argues that as per the FIR same was registered on the basis of the secret information that co-accused Jasmail Singh @ Maddi and Varinder Dass @ Bali were dealing with narcotics and ultimately they were arrested on 04.06.2021 and 335 grams of white intoxicant powder was recovered from the possession of Jasmail Singh @ Maddi, and thereafter, on the basis of the disclosure statement certain co-accused were nominated including the petitioner. Learned counsel for the petitioner submits that on the basis of disclosure statement, 08 grams of intoxicant powder was recovered from the petitioner, which is not a commercial quantity. Learned counsel for the petitioner further

submits that as of now, five accused from whom the quantity recovered was not commercial in nature, have already been granted concession of regular bail by a Coordinate Bench of this Court while passing order dated 23.02.2023 in CRM-M-30037-2022, CRM-M-2120-2022, CRM-M-43912-2021, CRM-M-49533-2022 and CRM-M-22635-2022 hence, on the ground of parity, the petitioner is also entitled for the grant of concession of regular bail.

Learned State counsel does not dispute the fact that co-accused of the petitioner from whom the quantity of the contraband recovered was not commercial in nature, have already been granted concession of regular bail by a Coordinate Bench of this Court while passing order dated 23.02.2023 in CRM-M-30037-2022, CRM-M-2120-2022, CRM-M-43912-2021, CRM-M-49533-2022 and CRM-M-22635-2022. Learned counsel for the respondent has not been able to point out any fact differentiating the case of the petitioner with the co-accused, who have been granted the concession of regular bail.

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

Keeping in view the fact that quantity recovered from the petitioner was only 8 grams and the petitioner is behind the bars for the last 01 year and 10 months coupled with the fact that co-accused of the petitioner with the same allegations have already been granted concession of regular bail by a Coordinate Bench of this Court while passing order dated 23.02.2023 in CRM-M-30037-2022, CRM-M-2120-2022, CRM-M-43912-2021, CRM-M-49533-2022 and CRM-M-22635-2022, petitioner has been able to make out a case for the grant of regular bail on parity.

Further, as the trial is likely to take some time before it is finally concluded as out of the total cited 29 witnesses, only 11 witnesses have been examined, no useful purpose will be achieved by keeping the petitioner behind the bars during the entire period of trial especially, when learned counsel for the petitioner has undertaken before this Court that the petitioner will not obstruct the trial or influence the witnesses, whose statements are yet to be recorded in any manner. In case of default of the above undertaking, the State will be at liberty to approach this Court for passing appropriate orders.

Without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of 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.

March 27, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No