

S. No.231

2023:PHHC:142444

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-34501 of 2023

Date of Decision:08.11.2023

Tarsem Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. J.K. Singla, Advocate for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

DEEPAK GUPTA, J. (Oral)

By way of present petition filed under Section 439 Cr.P.C., petitioner has prayed for grant of regular bail in case FIR No.15 dated 21.03.2023 registered under Sections 22(b), 27, 29, of NDPS Act, 1985 at Police Station Sadar Budhladha, District Mansa.

At the outset, learned counsel for the petitioner submits that similarly placed co-accused Amandeep Singh has already been allowed bail by this court vide order dated 25.08.2023 in CRM-M-37124 of 2023, copy of which has been placed on record.

In the afore-said case of co-accused Amandeep Singh, the following order was passed by this Court:-

“The petitioner is seeking regular bail by way of petition filed under Section 439 Cr.P.C in case FIR No.15 dated 21.03.2023 registered under Section 22(b), 27, 29 of NDPS Act, 1985 registered at Police Station Sadar Budhlada, District Mansa.

2. *As per the prosecution allegations, 840 tablets containing ingredient of alprazolam as per the FSL report, were recovered from the possession of three persons i.e. Amandeep Singh, Tarsem Singh & Badal Singh, on 21.03.2023.*

3. *It is contended by learned counsel that petitioner has been falsely implicated; that recovered quantity falls under the non-commercial category; that petitioner has no criminal record and so, he be allowed bail.*

4. *Status report by way of an affidavit of Shri Manjeet Singh, PPS, Deputy Superintendent of Police, Sub-Division Budhlada, District Mansa in compliance of order dated 04.08.2023 has been filed on behalf of respondent- State as per which the total weight of the contraband is found to be 99.4396 grams and it is conceded by learned State counsel that it falls in the non-commercial category.*

5. *Custody certificate has been placed on record by learned State counsel reveals that petitioner is in custody for the last 05 months and 04 days with no criminal antecedents.*

6. *Having regard the aforesaid facts and circumstances, but without commenting anything further on the merits of the case, this petition is allowed and petitioner is admitted to bail on his furnishing bail bonds/surety bonds to the satisfaction of the Learned Trial Court/Duty Magistrate concerned, on usual terms and conditions”*

It is not disputed by learned State Counsel that case of the petitioner is on the similar footing and that recovered contraband falls in non-commercial category. Custody certificate placed on record by learned State Counsel reveals that petitioner is in custody for the last 07 months and 19 days. Though he is stated to be involved in one more case pertaining to NDPS Act bearing FIR No.55 dated 23.07.2012 registered at Police Station Jaurkian but learned counsel for the petitioner has placed on record copy of the judgment dated 16.01.2020 passed by learned special Court, Mansa whereby the petitioner and co-acused were acquitted in that case.

Having regard to the afore-said facts and circumstances, particularly on the basis of parity, but without commenting on the merits of the

case, present petition is allowed. Petitioner is admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/ Duty Magistrate concerned.

November 08, 2023
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No