

234

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-39187-2023
Date of decision: 18.08.2023

SANDEEP ALIAS BILLA

...Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. K. B. Raheja, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, Senior DAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.269 dated 06.09.2021, under Sections 21, 29, 61, 85 of the NDPS Act, 1985, registered at Police Station City Ferozepur, District Ferozepur, Punjab.

2. Learned counsel for the petitioner has submitted that the petitioner is in custody from 23.12.2022 and the charges in the present case were framed by the learned trial Court on 27.05.2022 and it is almost 1 year and 3 months and till date only two witnesses have been examined. He further submitted that it is a case where no recovery was effected from the present petitioner and in fact recovery of 40 grams of *heroin* was effected from the other co-accused, namely, Gora @ Gurpreet Singh, which does not fall in the category of

commercial quantity under the NDPS Act. He further submitted that there was further recovery of 1 kg. and 360 grams of *heroin* from a rented accommodation, which was owned by one of the other co-accused, namely, Rajesh Kumar and apart from the above, there was one more recovery of 50 grams of *heroin* from another co-accused, namely, Maura @ Moura. He further submitted that the name of the petitioner was nominated on the basis of disclosure statement of the aforesaid co-accused and he was falsely implicated in the present case because of the reason that he was earlier involved in five more cases, out of which one case was under the NDPS Act. He further submitted that the aforesaid co-accused, namely, Gora @ Gurpreet Singh, from whom the alleged recovery of non-commercial quantity of *heroin* was effected has already been extended the benefit of regular bail by this Court in CRM-M-14600-2023 on 21.04.2023. He further submitted that even one more co-accused, namely, Maura @ Moura from whom also recovery was effected has also been extended the benefit of regular bail by a Co-ordinate Bench of this Court in CRM-M-58699-2022 on 14.03.2023. Another co-accused, namely, Thomas has also been extended the benefit of regular bail by this Court in CRM-M-4800-2023 on 27.07.2023 and the aforesaid Thomas was also nominated on the basis of disclosure statement of the other co-accused and so far as the present petitioner is concerned, he is exactly at parity with the aforesaid co-accused Thomas and, therefore, he may be considered for regular bail.

3. On the other hand, Mr. Ramdeep Partap Singh, Senior DAG, Punjab has submitted that it is correct that the petitioner is in custody from

23.12.2022 and the aforesaid three co-accused have already been extended the benefit of regular bail by this Court. He further submitted that the petitioner is involved in five more cases including one case under the NDPS Act and, therefore, is not entitled for grant of regular bail.

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

5. It is a case where the petitioner is in custody from 23.12.2022, which is almost 8 months. As per the learned counsel for the parties, the other co-accused, from whom recovery was effected have already been extended the benefit of regular bail as aforesaid and even as per the prosecution, no recovery was effected from the petitioner. One of the other co-accused, namely, Thomas, who was also nominated on the basis of disclosure statement of the other co-accused and is at parity with the present petitioner has also been extended the benefit of regular bail as aforesaid. In view of the aforesaid facts and circumstances, this Court is of the view that the present petitioner also deserves the concession of regular bail.

6. Consequently, the present petition is allowed. The petitioner shall be released on regular bail, subject to furnishing bail bonds/surety bonds 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 the merits of the case and is meant for the purpose of deciding the present petition only.

18.08.2023
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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