

S. No.224

2023:PHHC:117684

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

CRM-M-43458 of 2023

Date of Decision:06.09.2023

Harpreet Singh @ Bunty

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. N.J.S. Dandiwal, Advocate for the petitioner.

DEEPAK GUPTA, J. (Oral)

By way of this petition filed under Section 439 Cr.P.C., petitioner has prayed for grant of regular bail in case FIR No.86 dated 04.07.2022 registered under Sections 22/61/85 of NDPS Act at Police Station Badhni Kalan, District Moga.

As per allegations, 70 tablets of Etezola 0.5 mg were recovered from the possession of the petitioner on 04.07.2022 containing the salt of Etizolam weighing 9.458 grams which falls under the commercial quantity.

Learned counsel for the petitioner contends that petitioner has been falsely implicated and that similarly placed co-accused Sukhwinder Singh alias Rajweer Singh has already been allowed bail by this Court vide order dated 24.07.2023 in CRM-M-271 of 2023 from whom recovery of 50 tablets of Etezola 0.5 mg containing 6.85 grams of Etizolam substance was recovered.

Learned counsel further pointed out that as per the allegations, the contraband was being carried by the petitioner in transparent polythene and no person will carry contraband in transparent polythene bag.

Notice of motion.

Mr. P.S. Pandher, AAG, Punjab, accepts notice on behalf of the

respondent- State.

As per the custody certificate filed by learned State Counsel, petitioner is in custody for the last 01 years 02 months and 01 day and he has no criminal antecedents.

The contentions made by learned counsel for the petitioner have not been refuted by learned State Counsel to the effect that recovery was effected from the transparent polythene bag. Besides, it is apparent from Annexure P.3 that co-accused Sukhwinder Singh alias Rajweer Singh has already been allowed bail by this Court.

Having regard to afore-said facts and circumstances of the case, and also on the basis of parity, but without commenting anything on the merits of the case, the present petition is allowed and the petitioner is admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/ Duty Magistrate concerned.

September 06, 2023
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(DEEPAK GUPTA)
JUDGE

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