

CRM-M-43547-2023

. 2023:PHHC:117390

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-43547-2023

Date of Decision :-06.09.2023

Amitpreet Singh @ Robby

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Gaurav Singla, Advocate for the petitioner.

Mr. Gurpreet Singh, Addl. A.G. 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.18 dated 24.01.2020 registered under Sections 21 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station STF, Phase IV, SAS Nagar (Mohali).

Learned counsel for the petitioner argues that in the present petition, the allegations were alleged against the petitioner as well as co-accused namely, Laxman Singh @ Muskan. Learned counsel for the petitioner submits that the contraband was recovered from the back pocket of the driver's seat cover. Learned counsel for the petitioner further submits that the co-accused namely, Laxman Singh @ Muskan against whom similar allegations have been alleged, has already been granted concession of regular bail by the Coordinate Bench of this Court while passing order in CRM-M-60141-2022 on 09.08.2023 hence, the petitioner being similarly

situated in all respects may kindly also be granted concession of regular bail.

Learned State counsel concedes the factum that the allegations against the petitioner and the co-accused Laxman Singh @ Muskan are similar in nature and the said co-accused has already been granted concession of regular bail by the Coordinate Bench of this Court while passing order in CRM-M-60141-2022 on 09.08.2023 but submits that petitioner is involved in another case as well hence, his prayer for the grant of regular bail may kindly be declined.

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

Once, the allegations against the petitioner and co-accused Laxman Singh @ Muskan are similar in nature and the petitioner has undergone custody for a period of more than 03 years and 07 months and other case in which petitioner was involved, he has been acquitted coupled with the fact that status of the trial is that out of the total 12 cited witnesses, only 03 witnesses have been examined so far hence, petitioner has made out a case for the grant of concession of regular bail on the ground of parity, status of the trial and the custody undergone by him 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.

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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.

September 06 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

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