

209 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-47697-2022
Date of Decision: 13.01.2023

NARINDER SINGH ... PETITIONER
VS.
STATE OF PUNJAB .. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr.Ramneek Singh Baweja, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, DAG, Punjab.

VIVEK PURI, J.(ORAL)

The petitioner is seeking regular bail in the case bearing FIR No. 50 dated 01.07.2019 under Sections 22, 29/61/85 of the NDPS Act, registered at Police Station Mulepur, District Fatehgarh Sahib.

Custody certificate has been placed on record.

Briefly, as per the allegations of the prosecution, the petitioner along with co-accused, namely, Princejit Singh and Amrinder Singh were travelling on a motor-cycle and an envelope containing intoxicating injections was hanging from the handle of the motor-cycle. Accordingly, the petitioner along with co-accused were apprehended and the present case has been registered.

Learned counsel for the petitioner contends that during the course of investigation, one Sunny Kumar was also nominated as an accused on the basis of the disclosure statement of the petitioner and the co-accused. The arrest of Sunny Kumar was effected and in pursuance of the disclosure statement, 325 injections of Avil and 325 injections of Buprenorphine were recovered from the dilapidated building. In the instant case, 25 injections of Buprenorphine and 24 injections of Avil have been

recovered from the petitioner and his co-accused namely Princejit Singh and Amrinder Singh. Sunny Kumar has been granted bail in terms of the order dated 08.07.2022 passed in CRM-M-53579-2021. Princejit Singh and Amrinder Singh have been granted bail in terms of the order dated 23.09.2022 passed in CRM-M-36707-2022 and CRM-M-30754-2022, respectively. The petitioner is in custody for a period of 3 years and 03 days and is not involved in any other case. So far only, 6 out of 16 witnesses have been examined.

Learned State counsel has resisted the bail applications on the score that the recovery in the instant case is of commercial quantity.

Be that as it may, 25 injections of Buprenorphine and 24 injections of Avil have been recovered from the petitioner and the co-accused, namely, Princejit Singh and Amrinder Singh. On account of long incarceration and keeping in view the fact that the trial is not progressing, the co-accused have been granted bail. The petitioner also becomes entitled to regular bail on the principal of parity. It has not been disputed by the learned State counsel that the case of the petitioner is at par with co-accused, namely, Princejit Singh and Amrinder Singh.

Therefore, without commenting anything on the merits of the case, the present petition is allowed. The petitioner is directed to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

13.01.2023
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No