

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

237

CRM-M-47923-2023

Date of Decision.:31.10.2023

Balvinder Singh
Vs.
State of Haryana

.....Petitioner

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Puran Singh Hundal, Sr. Advocate with
Mr. Gursahib Singh Hundal, Advocate
for the petitioner.

Mr. Parveen Kumar Aggarwal, DAG, Haryana.

DEEPAK GUPTA, J. (ORAL)

The petitioner is seeking regular bail by way of petition filed under Section 439 Cr.P.C in case FIR No.387 dated 17.10.2022 registered under Sections 15/25/29/61 of NDPS Act, 1985 registered at Police Station Madhuban, District Karnal.

2. As per the allegations, 54 Kgs. of Doda Post was recovered from the car occupied by two persons. Co-accused Gurcharan Singh was driving the car whereas petitioner was the other occupant.

3. It is submitted by learned counsel that co-accused Gurcharan Singh has already been allowed bail by a co-ordinate Bench of this Court vide order dated 18.08.2023 passed in CRM-M-38829-2023. Learned counsel further submits that recovered quantity of contraband is just higher than the commercial quantity; that petitioner is in custody for the last more

CRM-M-47923-2023

than 01 year and that not even a single witness has been examined so far.

4. Although learned State counsel has not filed the status report but could not refute the aforesaid contentions. It is also conceded that out of 22 witnesses cited by the prosecution, not even a single witness has been examined so far. Petitioner is in custody since 17.10.2022 i.e. last more than 01 year. Similarly placed co-accused has already been allowed bail.

5. Having regard to the above facts and circumstances, and on the basis of parity 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.

October 31, 2023
Neetika Tuteja

(DEEPAK GUPTA)
JUDGE

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