

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

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**CRM-M-58303-2022
Date of decision: 06.01.2023**

Tarsem Singh @ Soma

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Mandeep K. Dhot, Advocate for
Mr. Inder Pal Singh, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

This is the second petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.0215 dated 23.10.2020 lodged under Sections 21, 29 and 61 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station Chheharta, District Amritsar.

Learned counsel for the petitioner submits that the petitioner has been in custody since 23.10.2020 and since the trial has not yet concluded, he cannot be made to languish in custody for an indefinite period. He further submits that the alleged recovery effected from him i.e. 255 grams of heroin, was marginally higher than the minimum prescribed under the commercial quantity and in fact had been falsely planted upon him. It has also been submitted that co-accused Gurbir Singh has already been extended the concession of bail by this Court vide order dated 21.09.2022 (Annexure P-5). He thus,

seeks parity with him.

Per contra, learned State counsel has vehemently opposed the prayer and submissions made by the counsel opposite. He, on instructions from ASI Sarwan Singh submits that co-accused Gurbir Singh had no doubt been granted regular bail by this Court, however, it was on account of the fact that the trial had come to a virtual standstill on the date when he was released on bail, as none of the prosecution witnesses had been examined despiteailable and non-ailable warrants having been issued to procure their presence. Learned State counsel submits that the position now is totally different as the trial is nearing conclusion and 5 out of the 14 prosecution witnesses cited have been examined. He has on further instructions has submitted that the next date fixed before the Trial Court is 11.01.2023 when some more prosecution witnesses are likely to be examined. Learned State counsel has still further submitted that the petitioner cannot also seek parity with co-accused Gurbir Singh as the present petitioner is involved in two other cases under the NDPS Act whereas the former was not involved in any other criminal case much less under the NDPS Act.

I have heard learned counsel for the parties and perused the material placed on record.

This Court does not deem it fit to extend the concession of bail to the petitioner as in all likelihood the trial would not take much time to conclude now. Still further, the prayer and submissions made by the learned counsel for the petitioner that the petitioner is entitled to be released on bail on grounds of parity with co-accused Gurbir Singh is

totally misconceived as in the instant case not only the trial is proceeding at a fast pace but the present petitioner unlike co-accused Gurbir Singh is involved in two other cases under the NDPS Act.

Accordingly, the instant petition is dismissed.

However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

06.01.2023

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(MANJARI NEHRU KAUL)
JUDGE

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