

S. No.237

2023:PHHC:152287

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

CRM-M-58618 of 2023

Date of Decision:30.11.2023

Avtar Singh and another

.....Petitioners

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Kushagra Mahajan, Advocate for the petitioners.

DEEPAK GUPTA, J. (Oral)

The two petitioners, Avtar Singh and Arjunbir Singh, by way of present petition filed under Section 439 Cr.P.C, pray for grant of regular bail in case FIR No.92 dated 15.09.2023 registered under Section 21(b), 27-A of NDPS Act, 1985 at Police Station Sadar, District Gurdaspur.

As per allegations, on 15.09.2023, 20 grams of heroin and drug money of ₹40,000/- was recovered from a car which was being driven by petitioner – Arjunbir Singh. Another petitioner – Avtar Singh was sitting on the passenger seat whereas co-accused Rajbir Kaur was sitting on the rear seat of the car.

Learned counsel for the petitioners contends that petitioners have been falsely implicated; and that similarly placed co-accused Rajbir Kaur has already been allowed bail vide order dated 16.11.2023 passed by this Court in CRM-M-56828 of 2023. Learned counsel further contends that recovered quantity of contraband falls in the non-commercial quantity and that the petitioners are in the custody for the last two months.

Notice of motion.

Mr. M.S. Nagra, AAG, Punjab, accepts notice on behalf of the respondent- State.

Learned State Counsel could not refute the afore-said contentions. It is also informed that petitioners are in custody since 15.09.2023 i.e. for the last 02 months and 15 days.

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

November 30, 2023
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(DEEPAK GUPTA)
JUDGE

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