

S. No.212

2023:PHHC:152996

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

Date of Decision:01.12.2023

1. CRM-M-59221 of 2023

Ravi Kant SharmaPetitioner

Vs.

State of PunjabRespondent

2. CRM-M-59262 of 2023

Deepak GuptaPetitioner

Vs.

State of PunjabRespondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Adarshdeep Singh, Advocate for the petitioner
in CRM-M-59921 of 2023.

Mr. Jugraj Waraich, Advocate for the petitioner in
CRM-M-59262 of 2023.

DEEPAK GUPTA, J. (Oral)

In both the cases titled above, filed under Section 439 Cr.P.C., petitioners have prayed for grant of regular bail in case FIR No.72 dated 25.08.2023 registered under Sections 21/22/29 (Act No.61 of 1985) of Narcotic Drugs and Psychotropic Substances Act and Section 25 (Act No.54 of 1959) of Arms Act (added later on) at Police Station Dhakoli, District SAS Nagar, Mohali, Punjab.

It is contended by learned counsel for the petitioners that on the basis of secret information, initially three persons, namely, Nitish Bishnoi, Salim and Abhijit Dhiman were apprehended and from their respective possessions, separate recoveries were effected including that of one pistol, ₹35,000/- as drug money besides two live cartridges. On the basis of disclosure statements suffered by

them, three more accused including the two petitioners – Ravi Kant Sharma (petitioner in CRM-M-59221 of 2023) and Deepak Gupta (petitioner in CRM-M-59262 of 2023) were nominated and separate recoveries were effected from them.

Learned counsel for the petitioners contends that as per allegations, 06 grams of cocaine was recovered from petitioner – Ravi Kant Sharma and 25 grams of cocaine was recovered from petitioner – Deepak Gupta which falls in the non-commercial category. It is also contended that despite the fact that recovery effected from the petitioners falls in the non-commercial category, the Special Court, has added recovery of all the six accused so as to observe that it was commercial category. It is further contended that similarly placed co-accused Nitish Bishnoi, Salim and Abhijit Dhiman, have already been allowed bail by this Court vide orders dated 02.11.2023, 07.11.2023 and 16.11.2023 passed in CRM-M-52665 of 2023 , CRM-M-54668 of 2023 and CRM-M-56283 of 2023 respectively.

Notice of motion.

Mr. R.S. Khaira, DAG, Punjab, accepts notice on behalf of the respondent- State. Custody certificates have been placed on record.

Learned State Counsel admits the fact that separate recoveries were effected from the co-accused and the petitioners but he opposed the bail petition on the ground that total recovery was 122 grams of cocaine, which falls in commercial category.

Heard.

As per the custody certificates, both the petitioners are in custody for the last 02 months and 26 days. It is conceded that separate recoveries were effected from the petitioners, which falls in non-commercial category.

Having regard to the afore-said facts and circumstances of the case and also on the basis of parity as three other co-accused, namely, Nitish Bishnoi, Salim and Abhijit Dhiman have already been allowed bail, but without commenting anything on the merits of the case, the present petitions are allowed. Petitioners – Ravi Kant Sharma and Deepak Gupta are admitted to bail on their furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/ Duty Magistrate concerned.

A photocopy of this order be placed on the file of connected case.

December 01, 2023
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Whether Speaking/reasoned
Whether Reportable

Yes/No
Yes/No

(DEEPAK GUPTA)
JUDGE