

2023:PHHC:160623

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

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CRM-M-61852-2023

Date of decision : 14.12.2023

Parsan Singh**..... Petitioner****versus****State of Punjab****..... Respondent****CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. Rishu Mahajan, Advocate
for the petitioner.

Mr. Jaswinder Singh Arora, DAG, Punjab.
with Gurwail Singh.

PANKAJ JAIN, J. (Oral)

1. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.96 dated 10.06.2023, registered for the offences punishable under Sections 21(C) and 29 of NDPS Act, 1985 at Police Station Lopoke, District Amritsar.

2. Counsel for the petitioner submits that the petitioner has nominated on the basis of disclosure made by Rajwant Singh from whom 5kg of heroin was recovered. Rajwant Singh is stated to have suffered disclosure to the extent that out of 10 packets of heroin, he gave one and a half packet to the present petitioner.

3. Counsel for the petitioner further submits that there is no recovery of any contraband from the petitioner. Petitioner is in custody since 05.08.2023. The only reason to nominate the petitioner is the disclosure suffered by Rajwant Singh and the disclosure alone will not be sufficient to yoke the petitioner with conviction.

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4. Reliance is being placed upon order dated 31.10.2023 passed in **CRM-M-45913-2023**, wherein co-accused namely Sawinder Singh @ Sukhwinder Singh @ Sonu who was also nominated on the disclosure made by Rajwant Singh, was granted regular bail observing that there is no recovery from him and there is no incriminating evidence apart from the disclosure.
5. State counsel does not dispute that apart from the disclosure made by Rajwant Singh, there is no incriminating evidence against the petitioner and it is a case where there is no recovery of contraband from the petitioner. However, he submits that the petitioner is a habitual offender and has already suffered two more FIRs, but does not dispute that the petitioner has earned acquittal therein.
6. I have heard counsel for the parties and have gone through the records of the case.
7. Keeping in view the incarceration already suffered by the petitioner and granting him parity vis-a-vis co-accused Sawinder Singh @ Sukhwinder Singh @ Sonu, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.
8. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

14.12.2023

Dinesh

Whether speaking/reasoned :
Whether Reportable :

Yes
No