

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

237

CRM-M-62118-2023
Date of Decision.:14.12.2023

Gurwinder Singh @ Gurwindri
Vs.
State of Punjab

.....Petitioner
.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. J.K. Singla, Advocate
for the petitioner.

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.78 dated 14.08.2022 registered under Sections 22 & 29 NDPS Act registered at Police Station Joga, District Mansa.

2. As per the prosecution allegations, 14 vials of Wincirex (each containing 100 ML) & 300 tablets of Carisoma were recovered from the joint possession of petitioner- Gurwinder Singh @ Gurwindri and that of co-accused Beera Singh.

3. Learned counsel has drawn attention towards order dated 16.12.2022 passed by learned Special Court, Mansa in which it was observed that Codeine Phosphate and Chlorpheniramine Maleate, which was found in the tablets, does not fall in NDPS Act. However, the 14 vials of Wincirex each, they fall in the NDPS Act and the quantity is commercial in nature. Learned counsel contends further that petitioner is in custody for the

last more than 01 year and 03 months; trial is likely to take long time to conclude and petitioner has no criminal antecedents. Learned counsel further contends that similarly placed co-accused Beera Singh has already been allowed bail by this Court vide order dated 04.12.2023 passed in CRM-M-1324-2023 (Annexure P-1).

4. Notice of motion.

5. Mr. Randeep Singh Khaira, DAG, Punjab accepts notice on behalf of respondent- State.

6. Learned State counsel has placed on record custody certificate. Although learned State counsel does not refute the contention to the effect that case of the petitioner is on parity with co-accused Beera Singh who has already been allowed bail vide Annexure P-1 but bail is opposed on the ground that petitioner is involved in one more case arising out of FIR No.01 dated 01.01.2020 registered at Police Station City 2, Mansa under Sections 22 NDPS Act and he is not on bail in that case as per the custody certificate.

7. Refuting the aforesaid contention, learned counsel for the petitioner has placed on record copy of order dated 15.03.2021 passed by a co-ordinate Bench of this Court in CRM-M-25377-2020 (O&M), whereby petitioner was allowed bail in case FIR No.01 dated 01.01.2020 under Section 22 of NDPS Act, as above.

8. Having regard to the fact that case of the petitioner is on parity with co-accused Beera Singh, who has already been allowed bail and also considering the fact that petitioner is in custody for the last 01 year 03 months and 29 days as per the custody certificate and that trial may take

time to conclude, 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.

December 14, 2023
Neetika Tuteja

(DEEPAK GUPTA)
JUDGE

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