

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

216-CRM-M-4775-2024
Date of Decision: 07.02.2024

Sonu ... Petitioner
VS.
State of Punjab ... Respondent

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Ms. Gurvir Kaur Gill, Advocate for the petitioner
Mr. Sanish Girdhar, AAG Punjab

Sandeep Moudgil, J. (Oral)

The jurisdiction of this Court has been invoked under Section 439 Cr.P.C., for grant of regular bail to the petitioner in FIR No.78 (Annexure P-1), dated 23.12.2022, under Sections 21/29/61/85 of Narcotic Drugs and Psychotropic Substances, registered at Police Station Talwandi Chaudhrian, District Kapurthala.

Learned counsel for the petitioner contends that other co-accused have already been extended the benefit of regular bail in (i) Gurpreet Singh @ Gopi vs. State of Punjab (CRM-M-31956-2023) vide order dated 20.01.2024; and (ii) Lovepreet Singh @ Love vs. State of Punjab (CRM-M-64376-2023) vide order dated 15.01.2024. It is averred that the petitioner was not associated to the motorcycle involved in the offence from which recovery of 350 grams of heroin was made. He further contended that same relief was granted to the other co-accused, namely, Jaspal Singh in CRM-M-15907-2023 from whom the alleged drug money of Rs.1,00,000/- was recovered. He further submits that the motorcycle from where the alleged contraband was recovered do not belong to the petitioner and as such is not connected to the motorcycle in any manner.

On the other hand, learned State counsel has produced the custody certificate of the petitioner dated 06.02.2024, which is taken on record, to

demonstrate that he has suffered incarceration for a period of 1 year 1 month and 10 days. He further argues for dismissal of regular bail in the instant petition making an effort to distinguish the instant case from that of Lovepreet Singh @ Love and Jaspal Singh stating that on the disclosure statement of Gurpreet Singh @ Gopi, the drug money to the tune of Rs.1,00,000/- was recovered from Jaspal Singh along with motorcycle involved in the offence, which is actually a stolen motorbike and therefore, the petitioner do not deserve any sympathy from this Court.

Since, the petitioner has already suffered custody for more than 1 year 1 month and 10 days, no recovery of contraband has been effected from him, neither any part of alleged drug money was recovered from his possession and has been arrayed as accused on a disclosure statement and apart from the fact that three other co-accused being similarly situated have also been advanced the concession of regular bail by this Court in CRM-M-15907-2023; CRM-M-64376-2023; and CRM-M-31956-2023, there is no reason to decline the relief to the present petitioner.

In view of the aforesaid discussions made hereinabove, the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

In the afore-said terms, the present petition is hereby allowed.

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

07.02.2024
V.Vishal

(Sandeep Moudgil)
Judge

- 1. Whether speaking/reasoned?
- 2. Whether reportable?

Yes/No
Yes/No