

2024:PHHC:077994



S. No.210

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

CRM-M-26513 of 2024

Date of Decision:30.05.2024

Kulwinder Sharma

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Gurpal Singh Sandhu, Advocate for the petitioner.

DEEPAK GUPTA, J. (Oral)

This is third petition filed under Section 439 Cr.P.C moved by the petitioner for grant of regular bail in case FIR No.123 dated 18.05.2022 registered under Section 22 (Act No.61 of 1985) of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station City Budhlada, District Mansa.

The first petition bearing CRM-M-14282 of 2023 was dismissed by this Court vide order dated 12.07.2023 (Annexure P.5). The second petition bearing CRM-M-59716 of 2023 was dismissed by this Court vide order dated 01.12.2023 (Annexure P.6).

Learned counsel contends that similarly placed co-accused Paramjeet Singh has since been allowed bail by this Court vide order dated 07.05.2024 passed in CRM-M-53558 of 2023 (Annexure P.4) as the stand was taken by the respondent- State that the recovered quantity of contraband was not commercial in nature.

Notice of motion.



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Mr. Sahil R. Bakshi, AAG, Punjab, accepts notice on behalf of the respondent- State.

Learned State Counsel could not refute the afore-said contention to the effect that case of the petitioner is on parity with co-accused Paramjeet Singh.

The custody certificate placed on record would reveal that the petitioner is in custody for the last 01 year 11 months and 10 days, though he has remained in custody in a petition under Section 125 Cr.P.C.

Having regard to all the afore-said facts and circumstances of the case, particularly on the basis of parity, but without commenting anything further on the merits of the case, the present petition is allowed. Petitioner is admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/ Duty Magistrate, on usual terms and conditions.

May 30, 2024
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(DEEPAK GUPTA)
JUDGE

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