



CRM-M-36920-2024

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

CRM-M-36920-2024

Date of Decision: 29.10.2024

Balwinder Singh @ Brand

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Simranjeet Singh Sarwara, Advocate for the petitioner.

Mr. J.S. Arora, DAG, Punjab.

Rajesh Bhardwaj, J. (ORAL)

Petitioner has approached this Court by way of present petition praying for grant of regular bail in case FIR No.47 dated 22.04.2024, under Sections 21(b), 20, 61, 85, 27-A, 29 of NDPS Act and Sections 25 and 27 of Arms Act, 1959, registered at Police Station Nakodar Sadar, District Jalandhar Rural.

Succinctly, as per the facts of the case, the police party had laid nakabandi in connection with checking of the suspected persons and they stopped a white colour car on which three persons were travelling. On asking their name, they disclosed their name as Balwinder Singh (petitioner), Salinder Singh and Jodhvir Singh @ Jodha. Suspecting them to be carrying some objectionable material, their search was conducted and a sharp edged khanda was recovered from Jodhvir Singh @ Jodha. On searching the car underneath the foot-mat, a bag containing heroin was recovered. On weighing, the same was found to be 61 grams. The abovesaid persons failed to produce any license regarding possession of the same and thus, the FIR was registered and they were arrested. Thereafter, petitioner approached the Court of learned Additional Sessions Judge, Jalandhar praying for grant of bail. However, on



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hearing counsel for the parties and perusing the record, learned Court dismissed the same vide order dated 19.06.2024. Hence, being aggrieved, petitioner is before this Court praying for grant of regular bail.

3. Learned counsel for the petitioner, at the outset, prays for the grant of bail to the petitioner on the basis of parity with that of the co-accused, namely, Jodhvir Singh @ Jodha and Salinder Singh @ Hunny @ Gandhi. He has drawn the attention of this Court to the orders dated 23.8.2024 and 30.07.2024 passed by this Court in **CRM-M-39952-2024** and **CRM-M-32168-2024**, respectively, whereby the co-accused of the petitioner, namely, Salinder Singh @ Hunny and Jodhvir Singh @ Jodha have been granted the concession of bail. He has submitted that the case of the petitioner is at par with the co-accused. He submits that the petitioner is in custody since 22.04.2024. He submits that even otherwise the contraband recovered from the car was 61 grams of heroin which is a non-commercial quantity and thus, provisions of Section 37 of the NDPS Act are not attracted. He submits that on the basis of the parity, the petitioner deserves to be granted bail as the case of the petitioner is similar to that of the co-accused, who have already been granted bail.

4. Learned counsel for the State has opposed the submissions made by counsel for the petitioner, however, he has endorsed the same that the petitioner is at par with the co-accused, namely, Salinder Singh @ Hunny and Jodhvir Singh @ Jodha, who have been granted bail by this Court.

5. Heard.

6. After hearing learned counsel for the parties and perusing the record, it is apparent that the petitioner is behind bars since 22.04.2024. The



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case of the petitioner is at par with co-accused Salinder Singh @ Hunny and Jodhvir Singh @ Jodha, who have been granted regular bail by this Court vide orders dated 23.08.2024 and 30.07.2024, respectively.

7. This Court would refrain itself from commenting anything on the merits of the case. Keeping in view the arguments raised by both the sides, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner on the basis of parity. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

29.10.2024

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Whether Speaking/Reasoned :

Yes/No

Whether Reportable :

Yes/No