

S. No.220

2024:PHHC:009264

2024:PHHC:009272

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of Decision:24.01.2024

1. CRM-M-47951 of 2023

Harjinder Singh	Petitioner
Vs.	
State of Punjab	Respondent

2. CRM-M-65327 of 2023

Jyoti	Petitioner
Vs.	
State of Punjab	Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Kunal Sarangal, Advocate for the petitioner
(in CRM-M-65327 of 2023).

Mr. D.P.S. Randhawa, Advocate for the petitioner
(in CRM-M-47951 of 2023).

Mr. Karunesh Kaushal, AAG, Punjab.

DEEPAK GUPTA, J. (Oral)

In both the petitions tiled above, filed under Section 439 Cr.P.C., petitioners have prayed for grant of regular bail in case FIR No.176 dated 23.11.2022 registered under Section 22(c) of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Hargobindpur, Tehsil Batala, District Gurdaspur, Punjab.

Custody certificates have been placed on record.

Status report has already been filed in CRM-M-47951 of 2023 titled

“Harjinder Singh Vs. State of Punjab”.

Learned State Counsel submits that status report filed in CRM-M-47951 of 2023 titled “Harjinder Singh Vs. State of Punjab” is also to be considered in CRM-M-65327 of 2023 titled – “Jyoti Vs. State of Punjab”.

As per prosecution allegations, Salwinder Singh alias Shinda and Harjinder Singh (petitioner in CRM-M-47951 of 2023) were on one bike; whereas Ranjodh Singh alias Jodha and Jyoti (petitioner in CRM-M-65327 of 2023) were on another bike. All four of them were apprehended by the Police during patrolling. 16,000 intoxicating tablets containing the salt of tramadol hydrochloride were recovered from them weighing 3072 grams.

Learned counsel representing both the petitioners claim bail on the basis of parity inasmuch similarly placed co -accused Salwinder Singh alias Shinda; and Ranjodh Singh alias Jodha have already been allowed bail vide two separate orders dated 13.12.2023 in CRM-M-47776 of 2023 and CRM-M-43838 of 2023, by co-ordinate Bench of this Court.

Learned State Counsel has opposed the petitions by pointing out towards the huge quantity of contraband recovered from the petitioners and the co-accused; which is more than 12 times of commercial category.

It is no doubt true that quantity of contraband allegedly recovered from the petitioners and the co-accused is quite huge but both the petitioners deserve to be allowed bail on the basis of parity, inasmuch as co-accused Salwinder Singh alias Shinda and Ranjodh Singh alias Jodha have already been allowed bail by the co-ordinate Bench of this Court in CRM-M-47776 of 2023

and CRM-M-43838 of 2023 (Annexures P.2 and P.3 produced in CRM-M-65327 of 2023).

As per the custody certificates, both the petitioners are in custody for the last 01 year 01 month and 29 days. None of them have any criminal antecedents.

It has also been informed by learned State Counsel that though after conclusion of investigation, challan has already been filed but not even a single prosecution witness has been examined out of 15 cited by the prosecution.

Having regard to all the afore-said facts and circumstances, particularly on the basis of parity, but without commenting anything on the merits of the case, both the petitions are allowed. Petitioners are admitted to bail on their furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/ Duty Magistrate concerned, on usual terms and conditions.

A photocopy of this order be placed on the file of connected case.

January 24, 2024
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Whether Speaking/reasoned
Whether Reportable

Yes/No
Yes/No

(DEEPAK GUPTA)
JUDGE