

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

224

CRM-M-43711-2023 (O&M)

Date of Decision:- 06.02.2024

TARSEM SINGH

Versus

STATE OF HARYANA

....Petitioner(s)

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. S.K. Bishnoi, Advocate
for the petitioner.

Mr. Vishal Malik, DAG Haryana.

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in the following case:-

FIR No.	Dated	Sections	Police Station
48	06.04.2021	22-C NDPS Act; (420, 468, 471 IPC added later on)	Ding, District Sirsa

2. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in the case. There is nothing on record to connect him with the commission of alleged crime. He contends that the petitioner was sitting on the rear seat of the car from which recovery of contraband was effected. No recovery was effected

from the conscious possession of the petitioner. He further contends that co-accused Swaran Singh @ Sharwan Singh @ Swarn Singh @ Kala has since been granted the concession of bail vide order dated 16.08.2023 passed in CRM-M-12368-2023 (Annexure P-5), whose case is at par with the petitioner. He submits that the petitioner is in custody since 06.04.2021 and prays for grant of bail to the petitioner.

3. *Per contra*, learned State counsel has opposed the bail petition but has very fairly stated that the case of the petitioner is at par with the case of co-accused Swaran Singh @ Sharwan Singh @ Swarn Singh @ Kala, who has since been granted the concession of bail vide order dated 16.08.2023 (Annexure P-5). He further submits that out of 16 witnesses cited by the prosecution only 5 have been examined till date.

4. Heard.

5. After considering the rival contentions and perusing the record, it transpires that as per the case of prosecution the petitioner along with co-accused Gurpreet Singh and Swaran Singh @ Sharwan Singh @ Swarn Singh @ Kala were apprehended by the Police on 06.04.2021, while travelling in a car and recovery of 12000 Tramadol Hydrochloride Tablet and 100 Mg. Clovidol 100 SR was effected from the vehicle driven by co-accused Gurpreet Singh. The petitioner has been in custody since 06.04.2021 and out of 16 witnesses cited by the prosecution only 5 have been examined till date. The co-accused Swaran Singh @ Sharwan Singh @ Swarn Singh @ Kala, similarly placed as per the prosecution, has since been granted the concession of bail vide order dated 16.08.2023 (Annexure P-5), so without

commenting on the merits of the case, the petitioner is held entitled to the concession of bail on question of parity and accordingly, the present petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Duty Magistrate concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

6. It is further made clear that in case the petitioner is found involved in any case under the NDPS Act, after his release on bail, it will be open for the prosecution to move an application for cancellation of his bail in accordance with law.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

8. Pending miscellaneous application(s), if any, stand disposed of.

(SANJIV BERRY)
JUDGE

06.02.2024

S.Sharma(syr)

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No