

2024:PHHC:116413



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM M-42497 of 2024
Date of Decision: 05.09.2024

Deepak Partap @ Deep ...Petitioner
Versus
State of Punjab ... Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Imman Singh Khara, Advocate, for the petitioner.
Mr. M.S. Bajwa, DAG, Punjab.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the instant petition under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant a regular bail in case FIR No.260 dated 26.11.2023 registered under Sections 21/23/25/29 of the NDPS Act (later on the challan was presented under Sections 21, 21-C, 23, 25, 27-A and 29 of the NDPS Act) at Police Station Chheharta, District Amritsar.
2. Learned counsel for the petitioner contends that the petitioner was neither named in the FIR nor he was arrested at the spot by the police. As per the case of the prosecution, Mahinderpal Singh @ Prince and Saurav Sharma were apprehended with 03 Kgs of heroin each in their possession. The petitioner was arrayed as accused in the present case on the basis of the disclosure statement suffered by the co-accused. He further contends that his co-accused Charanjit

Singh @ Channi has been granted the concession of regular bail vide order dated 09.04.2024. Another co-accused, namely, Ankush Shukla @ Anshu was also granted the concession of bail by this Court vide order dated 25.07.2024.

3. On the other hand, learned State counsel has vehemently opposed the prayer made by the learned counsel for the petitioner on the ground that there are serious allegations against the petitioner and the petitioner is not entitled for the concession of regular bail.

4. I have heard learned counsel for the parties and perused the record.

5. The petitioner is in custody for the last more than 08 months and no criminal case was ever registered against him. Even, the quantity of the contraband from the petitioner falls within the ambit of non-commercial quantity. Apart from that, similarly placed co-accused Ankush Shukla @ Anshu and Charanjit Singh @ Channi have already been granted the concession of bail by this Court.

6. In view of the above, without commenting any further on the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned.

05.09.2024
amit rana

(N.S.SHEKHAWAT)
JUDGE

Whether reasoned/speaking : Yes/No
Whether reportable : Yes/No