



CRM-M-48933-2024

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

CRM-M-48933-2024

Date of Decision: 04.10.2024

Sukhwinder Singh @ Nikka

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Gaurav Singla, Advocate for the petitioner.

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

Rajesh Bhardwaj, J. (ORAL)

1. Present petition has been filed for grant of regular bail to the petitioner in case FIR No.329, dated 11.07.2022, under Sections 21/29/61/85 of NDPS Act and Sections 25/54/59 of Arms Act, registered at Police Station Zirakpur, District SAS Nagar.

2. Adumbrated facts of the case are that the police party while on patrolling, spotted the car bearing No.DL-3C-AD-4825 make Swift white colour in which two young persons were coming. They were stopped on suspicion and on asking, they disclosed their names as Sukhwinder Singh @ Nikka (petitioner) and Lovepreet Singh @ Lovely. On search of the car, 500 grams of heroin and one revolver were recovered. Both of them failed to produce any licence regarding the possession of the same and thus they were arrested on the spot. On the basis of the same, FIR was registered and the investigation commenced. The petitioner is in custody since 11.07.2022. He approached the Court of learned Additional Sessions Judge, SAS Nagar praying for the grant of bail. However on hearing both the sides, the learned Additional Sessions Judge, SAS Nagar has declined the same vide his order



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dated 27.07.2023. Hence the petitioner is before this Court praying for the grant of regular bail by way of filing the present petition.

3. Learned counsel for the petitioner, at the outset, prays for the grant of bail on the basis of parity with that of the co-accused. He has drawn the attention of this Court to the order dated 24.09.2024 passed by this Court in **CRM-M No.34980 of 2024**, whereby the co-accused of the petitioner, namely, Lovepreet Singh @ Lovely has 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 11.07.2022 and out of 14 prosecution witnesses, none has been examined. 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 has already been granted bail.

4. Learned counsel for the State has endorsed the same and has submitted that the petitioner is at par with the co-accused, namely, Lovepreet Singh @ Lovely. He has submitted that out of 14 prosecution witnesses, none has been examined. He further submits that the charges have been framed and the next date before the trial Court is today i.e. 04.10.2024.

5. Heard.

6. After hearing learned counsel for the parties and perusing the record, it is apparent that the petitioner is behind bars since 11.07.2022. Similarly situated co-accused Lovepreet Singh @ Lovely has been granted regular bail by this Court vide order dated 24.09.2024. Out of total 14 prosecution witnesses, none has been examined so far.

7. This Court would refrain itself from commenting anything on



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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.

04.10.2024
sharmila

(RAJESH BHARDWAJ)
JUDGE
Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No