

S. No.134+241

2024:PHHC:003698

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

CRM-M-54103 of 2023 (O&M)

Date of Decision:11.01.2024

Davinder Singh @ Aviyyt

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Parminder Singh Sekhon, Advocate
for the petitioner.

Mr. Karunesh Kaushal, AAG, Punjab.

DEEPAK GUPTA, J. (Oral)

CRM No.51846 of 2023

This is an application for placing on record Annexure A.1, which is the copy of an order dated 17.11.2023 passed by this Court qua co-accused.

Application is allowed. Annexure A.1 is taken on record.

CRM-M-54103 of 2023

By way of present petition filed under Section 439 Cr.P.C, petitioner prays for grant of bail in case FIR No.68 dated 04.05.2022 registered under Section 18 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Nihal Singh Wala, District Moga.

It is contended by learned counsel for the petitioner that case of the petitioner is on same footing as that of co-accused Sabir Khan, who has already been allowed bail by the co-ordinate Bench of this Court vide order dated 17.11.2023 passed in CRM-M-56358 of 2023 (Annexure A.1).

As per prosecution allegations, 4 kg of opium was recovered from a white car belonging to petitioner - Davinder Singh. The car was occupied by petitioner – Davinder besides Jasvir Singh alias Jassi and Sabir Khan.

It is contended by learned counsel for the petitioner that the petitioner has been falsely implicated and co-accused Sabir Khan has already been allowed bail by this Court; that petitioner is not involved in any other case, he is in custody for the last 01 year 08 months and 08 days and trial may take long time to conclude.

Though learned State Counsel opposed the bail petition on the ground that recovered quantity falls in the commercial quantity but conceded the fact that petitioner has no criminal antecedents. It is also conceded that petitioner is on the same footing as co-accused Sabir Khan, who has already been allowed bail by this Court vide order dated 17.11.2023 passed in CRM-M-56358 of 2023. Learned State Counsel also submits that out of 13 witnesses cited by the prosecution, not even a single witness has been examined so far.

Having regard to the afore-said facts and circumstances and on the basis of parity, but without commenting anything on the merits of the case, present petition is allowed. Petitioner is admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/ Duty Magistrate concerned, on usual terms and conditions.

January 11, 2024

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(DEEPAK GUPTA)

JUDGE

Whether Speaking/reasoned

Whether Reportable

Yes/No

Yes/No