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

CRM-M-51679-2024**Date of decision : 24.10.2024****Gurdit Singh****.....Petitioner****versus****State of Punjab****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Prateek Pandit, Advocate
for the petitioner.

Mr. J.S. Arora, D.A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed under Section 483 BNS, 2023 praying for the grant of regular bail to the petitioner in case FIR No.87, dated 25.07.2023, under Sections 15, 25, 29 of NDPS Act, 1985, registered at Police Station Sujampur, District Pathankot during the pendency of the trial.

2. As per facts of the case, the police party received a secret information to the effect that Chanpreet Singh @ Chan and one Anmoldeep Singh were involved in selling the poppy husk and they were coming in the truck. It was informed that in case of naqa, they could be arrested along with the contraband. On finding the information reliable, the information was sent by the police and naqa was laid. Thereafter, the Truck bearing No.PB 22 D 9799 was seen coming and the same was stopped. The driver of the truck, on asking, disclosed his name as Chanpreet Singh @ Chan whereas, the conductor disclosed his name as



Anmoldeep Singh. On search of the truck, 02 bags of poppy husk weighing 27 kg and 26 kg i.e. total 53 kg of poppy husk was recovered. They failed to produce any license regarding possession of the same and thus, they were arrested on the spot. On the basis of the same, the FIR was registered and the investigation commenced. During the interrogation, co-accused disclosed about the complicity of one Gurdit Singh i.e. the petitioner. Thus, the petitioner was also arrayed as an accused in the present case. The petitioner is in custody since 06.10.2023. He approached the Court of learned Judge, Special Court, Pathankot praying for the grant of bail. However on hearing both the sides, the learned Judge, Special Court, Pathankot has declined the same vide his order dated 06.08.2024. Hence, the petitioner is before this Court praying for 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 passed by this Court in CRM-M No.48628 of 2024 on 03.10.2024 whereby the co-accused of the petitioner, namely, Mangat Singh @ Manga 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 06.10.2023 and out of 15 prosecution witnesses, 02 have been given up and 02 have 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. Custody certificate of the petitioner dated 23.10.2024 has been filed by learned State counsel today in the Court and the same is



applicant-appellant.

5. Learned counsel for the State has endorsed the same and has submitted that the case of petitioner is at par with the co-accused, namely, Mangat Singh @ Manga. He has submitted that out of 15 prosecution witnesses, 02 have been given up and 02 have been examined.

6. Heard.

7. This Court would refrain itself from commenting anything on the merits of the case. Keeping in view the arguments raised by both the sides and also the fact that the trial of the case will take sufficient time for its conclusion and no useful purpose would be served by keeping the petitioner in custody for any further period when the co-accused has already been granted bail by this Court, 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.

(RAJESH BHARDWAJ)
JUDGE

24.10.2024
ps-I

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