



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

CRM-M No.77 of 2025

Date of Decision: 14.01.2025

Harpal Singh @ Bhala

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Ashish Aggarwal, Advocate
for the petitioner.

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

RAJESH BHARDWAJ, J. (ORAL)

1. Present petition has been filed praying for the grant of regular bail to the petitioner during pending trial in case bearing FIR No.63, dated 05.09.2024, under Sections 21-B of NDPS Act, 1985 (Section 29 of NDPS Act added later on), registered at Police Station Sarai Amanat Khan, District Tarn Taran.

2. Succinctly facts of the case are that the police party while on patrolling on 05.09.2024 saw two persons coming from the front. After seeing the police, they got perplexed and threw the envelopes being carried by them. On suspicion, they were stopped and asked to disclose their names. They disclosed their names as Harpal Singh @ Bhala and Dhalwinder Singh @ Dhindu. The two envelopes were checked and 100 grams of heroin was recovered from each envelope. They failed to show any license regarding the possession of the same and thus, the FIR was



registered and they were arrested on the spot. On registration of the FIR, investigation commenced. The samples taken were sent to the FSL. The petitioner approached the Court of learned Additional Sessions Judge, Tarn Taran praying for the grant of bail. However, after hearing both the sides, the same was declined by the learned Additional Sessions Judge, Tarn Taran vide order dated 12.12.2024. Hence, being aggrieved the petitioner is before this Court praying for the grant of regular bail.

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.62010 of 2024** dated 16.12.2024, whereby co-accused of the petitioner, namely, Dalwinder Singh @ Dindu Randhawa has been granted the concession of bail. He has submitted that case of the petitioner is at par with the said co-accused. He has further stated that the heroin allegedly recovered from the petitioner and from his co-accused was 100 grams which falls under the non-commercial quantity. He has stated that the provisions of Section 37 of NDPS Act are not attracted. He has further submitted that no independent witness was joined by the prosecution as the alleged recovery was effected from a public place. He has submitted that the petitioner has no criminal antecedents and as such he is entitled to be released on bail.

4. Custody certificate of the petitioner dated 13.01.2025 has been filed by learned State counsel today in the Court and the same is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.

5. Learned counsel for the State although has opposed the prayer of the petitioner for granting him bail yet endorsed the fact that the case of petitioner is at par with the co-accused, namely, Dalwinder Singh @ Dindu Randhawa, who has already been granted bail by this Court. He has further submitted that the challan has been presented and charges are yet to be framed.

6. Heard.

7. It is deciphered from the facts of the case that the petitioner is in custody since 05.09.2024. The recovery effected was from a public place, however no independent witness was joined. The challan is presented and charges are yet to be framed. Co-accused, namely, Dalwinder Singh @ Dindu Randhawa, whose case is stated to be at par with the petitioner has already been granted bail by this Court vide order dated 16.12.2024.

8. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. 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 his 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 with the co-accused as stated above. 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.

14.01.2025

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(RAJESH BHARDWAJ)

JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No