



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

CRM-M-13026-2025

Date of decision : 25.03.2025

Gurkirat Singh

.....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Ashish Pal Kaushal, Advocate
for the petitioner.

Mr. Karunesh Kaushal, AAG, Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Petitioner has approached this Court by way of filing the present second petition praying for grant of regular bail to him in case FIR No.17 dated 22.01.2024, under Sections 18/25/27/29/61/85 of NDPS Act, 1985 and Section 25 of Arms Act, 1959, registered at Police Station Chherarta District Amritsar.

2. Succinctly facts of the case are that the police party on 22.01.2024, received a secret information to the effect that Surjit Singh and Gurkirat Singh, both were involved in selling intoxicant substance. It was informed that they were travelling in Fortuner Car bearing Registration No.PB 02 BU 5555 and in case of barricade, they could be arrested along with the contraband. On receiving the information, the raiding team was constituted and barricading was laid, vehicle as disclosed was stopped and driver of the vehicle disclosed his name to be Surjit Singh whereas, the person sitting by the side disclosed his name as Gurkirat Singh. They were suspected to be carrying the contraband and thus, they were given the offer to be searched. On conducting the search of Surjit Singh from the polythene bag beneath his upper jacket, wrapped in a red piece of cloth,



which was tied around his waist, opium weighing 2 kg 600 grams was recovered. Similarly, search of Gurkirat Singh (petitioner), was also conducted and from the right pocket of his jacket, a polythene bag containing the opium weighing 400 grams was recovered. Both of them failed to produce any license regarding the possession of the same and hence, both were arrested on the spot. On registration of the FIR, investigation commenced. The samples taken were sent to the FSL. Petitioner approached the Court of learned Judge, Special Court, Amritsar praying for grant of bail. However, after hearing counsel for the parties, learned Judge, Special Court declined the same vide order dated 02.04.2024. Being aggrieved, petitioner earlier approached this Court by way of filing CRM-M-24899-2024 however, the same was dismissed as not pressed by this Court vide order dated 21.08.2024. Hence, petitioner is before this Court by way of filing the present second 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-62990-2024** dated 28.02.2025 whereby co-accused of the petitioner, namely, Surjit Singh, has been granted the concession of bail. He has submitted that case of the petitioner is at par with the co-accused, who has been granted bail by this Court. He submits that on the basis of the parity, petitioner deserves to be granted bail as case of the petitioner is similar to that of the co-accused, who has already been granted bail.

4. Learned counsel for the State although has opposed the prayer of the petitioner yet endorsed the fact that the case of petitioner is at par with co-accused, namely, Surjit Singh, who has already been granted bail by this Court. He has produced the custody certificate of the

petitioner on record, as per which, petitioner is not involved in any other case. It is submitted that out of 17 prosecution witnesses, 03 witness have been examined. He has produced the custody certificate of the petitioner.

5. After hearing learned counsel for the parties and perusing the record, it is apparent that the petitioner is behind bars since 22.01.2024. Admittedly, co-accused of the petitioner, namely, Surjit Singh, has already been granted bail by the Court vide order dated 28.02.2025 passed in **CRM-M-62990-2024**.

6. The veracity of the allegations would be assessed only after conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail 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.

25.03.2025
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(**RAJESH BHARDWAJ**)
JUDGE

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