

2025:PHHC:060301



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

**CRM-M-15506-2025
Date of Decision: 07.05.2025**

Harpal Singh @ Heera

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Shivender, Advocate for
Mr. B.S. Bhalla, Advocate, for the petitioner(s).

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

RAJESH BHARDWAJ, J. (ORAL)

1. Petitioner has approached this Court by way of present petition praying for granting regular bail in case FIR No.179 dated 12.12.2023 under Section 25 of the Arms Act, 1959 (Section 21(c) of the NDPS Act was added later on) registered at Police Station Chattiwind, District Amritsar.

2. Succinctly, facts of the case are that on 12.12.2023, the Police party while on patrolling received a secret information to the effect that Manpreet Singh @ Gora (co-accused) carries an illegal weapon i.e., 32-bore pistol including magazine and cartridges and he is wandering with this illegal weapon. It is informed that if the naka is laid, he could be arrested alongwith the weapon. On finding the secret information reliable, the FIR was registered and naka was laid. On pointing out by the secret informer, the co-accused's vehicle was stopped and the weapon as disclosed was recovered from him. From his search, 265 grams of heroin was also recovered and thus, offence under the NDPS Act added. The co-accused failed to produce any licence regarding the arms and the narcotic

substance and hence, he was arrested on spot i.e. on 12.12.2023 itself. On the registration of the FIR, the investigation commenced. The name of the petitioner has been surfaced on the basis of disclosure statement of said co-accused Manpreet Singh @ Gora. The petitioner approached the Court of learned Additional Sessions Judge, Amritsar praying for grant of regular bail. However, after hearing both the sides, the learned Court finding no merit in the same, dismissed the bail application filed by the petitioner vide order dated 22.03.2024 (Annexure P-2). Hence, the petitioner approached this Court praying for grant of bail by way of filing the present petition.

3. Learned counsel for the petitioner, at the outset, has drawn the attention of this Court to the order dated 11.12.2024 passed in CRM-M-39137-2024 (Annexure P-4), whereby, co-accused Manpreet Singh @ Gora has been granted regular bail by this Court. He has submitted that the case of the petitioner is on better footing than the case of co-accused, who has already been enlarged on bail from this Court, from whom 265 grams of heroin was allegedly recovered whereas from the petitioner, there is no contraband recovered and he has been implicated in this case on the basis of the alleged recovery of .32 bore pistol, one magazine and live-cartridges. 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 said co-accused, who has already been granted bail.

4. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner. He has endorsed the factum of grant of bail to the co-accused of the petitioner as stated above and has not denied that the petitioner is at par with the co-accused, namely, Manpreet Singh @ Gora. It is submitted that out of total 14 prosecution witnesses, no witness has been examined. He has placed on record the custody certificate of the petitioner.

5. After hearing learned counsel for the parties and perusing the record, it is deciphered that the petitioner is behind bars since 04.01.2024, co-accused, namely, Manpreet Singh @ Gora is on bail and the case of the petitioner as stated is at par with him. As per custody certificate, the petitioner has suffered incarceration of 01 year 03 months & 29 days as on 06.05.2025. Out of total 14 prosecution witnesses, no witness has been examined till date. Custody certificate shows that the petitioner is involved in five more cases, however, in three cases he is on bail and in fourth case, he has been acquitted but in fifth case he is not on bail.

6. This Court would refrain itself from commenting anything on 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.

7. It is being clarified that in case the petitioner does not furnish bail/surety bonds within a period of one week from today, his custody will not be counted in the present case after one week.

8. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

07.05.2025

Parveen kumar

(RAJESH BHARDWAJ)
JUDGE

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