

2025:PHHC:077022



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

CRM-M-29697-2025
Date of Decision: 01.07.2025

Gurdit Singh	...	Petitioner
Versus		
State of Punjab	...	Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Prateek Pandit, Advocate
for the petitioner(s).

Ms. Simran Gorla, AAG, 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.171 dated 17.11.2024 under Sections 15 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Shahkot, District Jalandhar.
2. Succinctly, facts of the case are that on 17.11.2024, the police received a secret information to the effect that Sonu son of Bod Singh and Karan son of Parmatma Singh were big smugglers and they were involved in smuggling of poppy husk. It was informed that they were coming in Truck bearing No.HP-12-8481 with driver Harpreet Singh @ Happy and cleaner Varinder Singh @ Raju. In case of *naqa*, they could be arrested along with the contraband. On receiving the secret information, barricading was laid and on seeing the disclosed truck, the same was stopped. On carrying the search, 105 kg. of poppy husk was recovered from the truck. They failed to produce any

license regarding the possession of the same and thus, were arrested on the spot. On registration of the FIR, investigation commenced. On the disclosure statement of the co-accused, petitioner was also arrayed as an accused in the present case. Hence, petitioner was nominated and arrested on 17.11.2024. Petitioner approached the Court of learned Judge, Special Court-IV, Jalandhar praying for grant of bail. However, after hearing counsel for the parties, learned Judge, Special Court-IV, Jalandhar declined the same vide order dated 05.05.2025. Hence, petitioner is before this Court by way of filing the present petition.

3. Learned counsel for the petitioner, at the outset, prays for the grant of bail to the petitioner on the basis of parity with that of the co-accused, namely, Parmatma Singh. He has drawn the attention of this Court to the order dated 19.03.2025 passed in **CRM-M-13793-2025**, whereby, co-accused Parmatma Singh has been granted regular bail by this Court. He has submitted that the case of the petitioner is at par with the said co-accused. He submits that the petitioner is in custody since 17.11.2024. He submits that the petitioner is involved in other four cases although he is on bail in two cases except FIR No.295 dated 13.11.2021 under Section 15C/25/29/61/85 of the NDPS Act, PS Sultanpur Lodhi, District Kapurthala and FIR No.131 dated 27.07.2022 under Sections 15/25/29/61/85 of the NDPS Act, P.S. Bhargo Camp. Jalandhar, District Jalandhar. 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. Learned State counsel 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, Parmatma Singh. She has

submitted that challan has been presented but charges are yet to be framed. She 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 17.11.2024. Co-accused, namely, Parmatma Singh is on bail and the case of the petitioner as stated is at par with him. Challan has been presented but charges are yet to be framed. As per custody certificate, the petitioner has suffered incarceration of 07 months & 07 days as on 30.06.2025. It further reflects that the petitioner is involved in other four cases although he is on bail in two cases.

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. However, if the petitioner does not furnish the bail bonds within 07 days from today, then his further custody period after one week will not be counted in this case.

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

01.07.2025

Parveen kumar

(RAJESH BHARDWAJ)
JUDGE

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