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

CRM-M-47845-2024

Date of decision : 01.03.2025

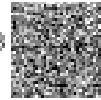
Hawalati Abhishek @ Abhi**.....Petitioner****versus****State of Punjab****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Robindeep Singh Bhullar, Advocate
for the petitioner.

Mr. Karunesh Kaushal, A.A.G., Punjab.

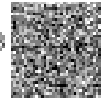
RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.100, dated 22.05.2024, under Sections 21-C/25/27-A of NDPS Act (Section 29 of NDPS Act and Section 25 of Arms Act added later on), registered at Police Station Islamabad, District Police Commissionerate Amritsar.
2. Succinctly the facts of the case are that on 22.05.2024 the police party received a secret information that one Rajinder Singh @ Raja came from Kot Khalsa to sell the drugs. It was informed that in case of naaka, he could be apprehended along with the contraband. Finding the information reliable, the FIR was registered and the naaka was laid. The police party spotted that Rajinder Singh @ Raja came in Verna Car bearing registration No.PB-02-DE-0529. On checking of said car, 500 grams of heroin along with drug money amounting to Rs.40,000/- was recovered from him and he was arrested on the spot. During the investigation, Rajinder Singh @ Raja suffered a disclosure statement on



the basis of which Abhishek @ Abhi (petitioner), Ranjit Singh @ Kaka and Charanjit Singh @ ladda were nominated and thus, the petitioner was also arrayed as an accused in the present case. The petitioner was arrested on 11.06.2024. The petitioner approached the Court of learned Judge, Special Court, Amritsar praying for the grant of bail, however, after hearing both the sides, the same was declined by the learned Judge, Special Court Amritsar vide order dated 28.08.2024. Aggrieved by the same, the petitioner is before this Court by way of filing the present petition praying for the grant of regular bail.

3. Fresh power of attorney has been filed on behalf of the petitioner after obtaining no objection from the previous counsel for the petitioner. Learned counsel for the petitioner, at the outset, has submitted that in all there are six accused in the present case out of which, 04 accused are on bail. He further submits that the petitioner has been arrayed as an accused on the basis of disclosure statement made by co-accused, namely, Rajinder Singh @ Raja and prays for grant of bail on the basis of parity with that of the co-accused. He has drawn the attention of this Court to the orders passed by this Court in **CRM-M No.57512 of 2024**, **CRM-M No.56450 of 2024** and **CRM-M-51346-2024** dated 07.01.2025, 19.11.2024 and 07.11.2024, respectively, whereby co-accused of the petitioner, namely, Shamsher Singh @ Shera, Sandeep Singh @ Simar @ Kukri and Lovepreet Singh @ Kalu have been granted the concession of bail. He has submitted that case of the petitioner is at par with the co-accused, who have been granted bail by this Court. He has submitted that the petitioner is in custody since 11.06.2024 and thus on the basis of the parity, the petitioner deserves to be granted bail as case of the petitioner is similar to that of the co-accused, who have already been granted bail by



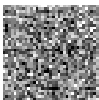
this Court.

4. Custody certificate of the petitioner dated 28.02.2025 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, Shamsheer Singh @ Shera, Sandeep Singh @ Simar @ Kukri and Lovepreet Singh @ Kalu, who have 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. After hearing counsel for the parties and perusing the record, it is deciphered from the facts of the case that the recovery has been effected in the present case from co-accused, namely, Rajinder Singh @ Raja and the name of the petitioner was surfaced on the basis of his disclosure statement. It has not been denied that case of the petitioner is at par with the co-accused, who have already been enlarged on bail by this Court in **CRM-M No.57512 of 2024**, **CRM-M No.56450 of 2024** and **CRM-M-51346-2024** vide orders dated 07.01.2025, 19.11.2024 and 07.11.2024. The petitioner is in custody since 11.06.2024. The challan is presented and charges are yet to be framed.

7. 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 have 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.

01.03.2025
ps-I

(RAJESH BHARDWAJ)
JUDGE

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