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

CRM-M-41988-2025

Date of Decision:19.08.2025

Jarnail Singh

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Rajiv Kumar Saini, Advocate with
Mr. Parivartan Singh, Advocate
for the petitioner.

Mr. I.P.S. Sabharwal, DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant regular bail to him in case FIR No.61 dated 12.06.2023 registered under Sections 21(b)/27-A, 29 of NDPS Act and Section 25 of Arms Act, at Police Station Sadar Gurdaspur, District Gurdaspur.

2. Learned counsel for the petitioner contends that the petitioner was not initially named in the FIR and has been nominated during the course of investigation, by alleging that the petitioner was also involved in the drug racket. In fact, the co-accused of the petitioner had some dispute with the police officers over a trivial issue and 15 grams of heroin was planted on his co-accused. He next contends that the alleged recovery of 15 grams of heroin falls within the ambit of "small quantity" as per the Schedule appended to the NDPS Act. He further contends that the mandatory provisions of search and seizure have not been followed by the police, while effecting the recovery from his co-

accused. Learned counsel has referred to the orders (Annexures P-2 to P-6) passed by this Court, whereby the concession of bail has been granted to co-accused, namely, Nikhil Kumar, Rahul, Gurpreet Singh @ Sajan, Daljit Singh and Shamsher Singh alias Shera. The petitioner is in custody since 09.10.2024 and the challan has been presented against him.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that serious allegations have been levelled against the present petitioner and he does not deserve the concession of bail by this Court.

4. I have heard the learned counsel for the parties and perused the record.

5. In the present case, no doubt, other similarly placed co-accused, namely, Nikhil Kumar, Rahul, Gurpreet Singh @ Sajan, Daljit Singh and Shamsher Singh alias Shera have been granted the concession of bail by this Court, vide orders (Annexure P-2 to P-6). Consequently, on parity, the petitioner is also entitled to grant the benefit of bail by this Court.

6. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

(N.S.SHEKHAWAT)
JUDGE

19.08.2025
hemlata

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