

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

CRM-M No.26800 of 2016 (O&M)
Date of decision: 14.09.2016

Ram Kirat Shah

.... Petitioner

versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Mandeep Kaushik, Advocate
for the petitioner.

Mr. K.S.Pannu, DAG, Punjab.

Ajay Tewari, J.(Oral)

The petitioner prays for grant of regular bail in case FIR No.127 dated 26.06.2015 registered under Section 18 of NDPS Act at Police Station Sahnewal District Ludhiana.

Learned counsel for the petitioner states that the petitioner is in judicial custody for the last one year and the recovery is marginally more than the commercial quantity. He however, points out that the co-accused of the petitioner has been granted bail by the trial court.

Learned State counsel on instructions from ASI Salwinder Singh has opposed the bail application and submits that co-accused has run away after getting the bail.

In my opinion, the fact that one co-accused has run away after availing the bail would not completely take away the right of petitioner from being released on bail. However, it should be kept in mind by the Court while fixing the terms on which the bail is to be granted to the petitioner.

In the circumstances, keeping in view the period of custody already suffered by the petitioner and without going into the merits of the case, I do not deem it appropriate to deny him the concession of bail.

Bail to the satisfaction of the Trial Court/Duty Magistrate,
Ludhiana.

The present petition stands disposed of.

Since the main case has been decided, the pending criminal
miscellaneous application, if any, also stands disposed of.

September 14, 2016
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(AJAY TEWARI)
JUDGE

1. Whether speaking/reasoned?

Yes/No

2. Whether reportable?

Yes/No