

**IN THE HIGH COURT FOR THE STATES OF PUNJAB
AND HARYANA AT CHANDIGARH.**

TAPINDER SINGH MANN
20/05/2016 17:53

Cr. Misc. M 6949 of 2016

Date of decision: 19.5.2016

Mangat Ram

Petitioner

vs.

State of Punjab

Respondent

Present: Mr. RK Dadwal, Advocate.
Ms. Simsi Dhir, DAG, Punjab

M.M.S.BEDI,J.

The petitioner along with three others was apprehended by the police and 5 grams of heroin was recovered from co-accused of the petitioner Parvez Ali, whereas 300 grams of intoxicating powder was recovered from the dash board of the car, which was being driven by the petitioner.

Counsel for the petitioner submits that the petitioner is driver of Harjinder Singh and that Harjinder Singh has been granted the concession of bail u/s 167(2) Cr.P.C. as challan was presented on 4.1.2016 without the report of the Chemical Examiner. The petitioner is similarly circumstanced as Harjinder Singh. Application u/s 36A (3) NDPS Act having not been accepted by the trial court, an indefeasible right would accrue to the petitioner on expiry of 180 days. Co-accused having been granted the concession of bail on the said ground, on the principle of parity, the petitioner is also entitled to the same relief.

The petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/ surety bonds to the satisfaction of the trial court, subject to the condition that the petitioner will not commit the similar offence, of which he is accused of, during pendency of the trial.

May 19, 2016
TSM

(M.M.S.BEDI)
JUDGE