

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-1932 of 2017 (O&M)

Date of Decision: 03.03.2017

Ashok Kumar @ Shambhu

--Petitioner

Versus

State of Haryana

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. B.S. Dhillon, Advocate for the petitioner.

Mr. C.S. Bakshi, Addl. A.G., Haryana.

TEJINDER SINGH DHINDSA.J

This order shall dispose of the present petition filed under Section 439 Cr.P.C seeking the benefit of regular bail to the petitioner in case F.I.R. No.212 dated 29.6.2014 under sections 22(a), 22(c), 21(b) of N.D.P.S Act read with sections 3, 4, 5 of M.T.P Act, registered at Police Station, Mahesh Nagar, District Ambala.

Learned counsel for the parties have been heard.

During the course of arguments it transpires that co-accused Jasbir Singh and against whom there were similar allegations has been granted bail by the Trial Court on the basis that the prosecution did not conclude its evidence within the stipulated time frame as directed by this Court vide order dated 7.9.2015 in CRM No. M-27786 of 2015 i.e. a petition filed under Section 439 Cr.P.C by co-accused Jasbir Singh.

A perusal of the order dated 7.9.2015, passed in the case of Jasbir Singh co-accused (CRM No. M-27786 of 2015) at Annexure P-4 would reveal that the matter had not been dealt with on merits but what had weighed with the court was the length of incarceration i.e. Jasbir Singh having been in custody since 28.6.2014.

The present petitioner has been in custody since 1.7.2014.

The trial even as of date has not concluded.

On the ground of parity itself, the present petitioner is held entitled to the benefit of bail.

Accordingly, present petition is allowed. Petitioner be enlarged on bail subject to satisfaction of Trial Court/Duty Magistrate, Ambala.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

03.03.2017

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Whether speaking/reasoned: Yes

Whether Reportable: No