

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

CRM-M No.43568 of 2016 (O&M)

Date of decision : March 06, 2017

Sunil Kumar alias Anil Kumar and another Petitioners

Versus

The State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. S.K. Chawla, Advocate for the petitioners.

Mr. Nikhil Chopra, Addl. A.G., Punjab.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

KULDIP SINGH J. (ORAL)

Custody certificate of petitioner No.1, Sunil Kumar @ Anil Kumar has been filed in the Court today and the same is taken on record. It shows petitioner No.1 has actually undergone custody for two years, seven months and three days. The present petition has been filed for grant of regular bail of Sunil Kumar @ Anil Kumar and his co-accused Sonu.

It is stated that the petitioners are entitled to bail on the ground of parity as co-accused Sandeep Kumar @ Deepu has been granted bail by a Co-ordinate Bench of this Court vide order dated 24.10.2016 passed in CRM-M No.33853 of 2016 (Annexure P-2).

In this case, 3 kgs. of opium was recovered from a car, in which the petitioners along with other four persons were travelling.

I am of the view that in the order passed on 24.10.2016, the effect of Section 37 of the NDPS Act, 1985 was not considered. Therefore, it is not a binding precedent to extend parity.

In view of bar of Section 37 of the NDPS Act, there is no ground to grant bail to the petitioners.

As such, the present petition is dismissed.

However, keeping in view the custody period undergone by the petitioners, the trial court is directed to expedite the trial by granting short adjournments and dispose of the same within six months.

(KULDIP SINGH)
JUDGE

March 06, 2017

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Whether speaking / reasoned Yes

Whether Reportable: No