

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

220

CRM-M-26363-2018 (O&M)

Date of Decision : 26.10.2018

Paramjit Singh @ Pamma

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:HON'BLE MR. JUSTICE P.B.BAJANTHRI

Present: Mr. L.S.Mann, Advocate for the petitioner.

P.B. BAJANTHRI, J.(ORAL)

In the present petition, petitioner seeks regular bail under the provision of Section 439 Cr.P.C. in FIR No.186 dated 09.07.2014 under Sections 15, 25, 61, 85 NDPS Act, registered at Police Station Phillaur, District Jalandhar.

2. Learned counsel for the petitioner vehemently submitted that he was not apprehended red handed at the spot and he is entitled for bail on par with other two co-accused who have been granted bail. Even one of the co-accused was declared proclaimed offender and he had been extended the benefit of bail. Even though he has not been apprehended at the spot. Therefore, he is entitled for bail on the ground of parity.

3. On the other hand, on instructions of HC Vijay Kumar, learned State counsel while resisting the contention submitted that parity only to the extent of involvement of the petitioner and granting of bail. Contention of the petitioner is not correct that he was not present at the spot whereas out of 2 Scorpio vehicle one of the vehicle is in the name of petitioner's wife which has been taken by the police in possession from the spot and this fact

also recorded by the Judge, Special court, in its order dated 12.04.2018 in para 2. Therefore, petitioner's case do not fall on par with other co-accused who have been extended bail. He further submitted that petitioner was declared proclaimed offender in this case and after a period of three years police succeeded to brought the petitioner on record to face the trial. There is apprehension of petitioner to fled away from the law.

4. Learned State counsel further submitted that petitioner is involved in total 9 cases including the present one. Therefore, petitioner is not entitled for bail. This contention has been disputed by learned counsel for the petitioner to the extent that he is facing 8 cases including the present one. It was submitted that petitioner has been acquitted in one case and undergone sentence in two cases; pursuant to the declaring of the Proclaimed offender one more case has been registered; One case under Excise Act is pending; Two more cases under Sections 21 and 15 of NDPS Act are pending consideration against the petitioner.

5. Heard the learned counsel for the parties.

6. Question for consideration in the present petition is whether petitioner is entitled for bail on parity with reference to co-accused or not? Even though one of the co-accused who has been declared proclaimed offender, had been extended the benefit of bail, petitioner also stated on the same footing, only difference is that petitioner's wife's vehicle-Scorpio is involved in recovery of huge quantity of poppy husk of 33 bags which is commercial quantity. Therefore, to that extent petitioner's case is not on par with other co-accused who has been extended bail. Secondly, petitioner is involved in seven more cases including the present one as admitted by the learned counsel for the petitioner. The antecedents of the petitioner are

required to be taken into consideration. From the record it is evident that petitioner is a habitual offender, declared proclaimed offender in the present case for about 3 years and serious allegation of supply poppy husk in huge quantity of 33 bags against him. Therefore, granting bail to the petitioner would be licence him to indulge in one more crime to ruine the society. Therefore, I am not enclined to grant him benefit of bail. Hence petition stands dismissed.

26.10.2018

pooja saini

**(P.B. BAJANTHRI)
JUDGE***Whether speaking/reasoned?**Yes/No**Whether reportable?**Yes/No*