

CRM-M-43139 of 2018 (O&M)

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

CRM-M-43139 of 2018 (O&M)
Date of Decision: 27.11.2018

Kulesh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present:- Mr. M.S. Bajwa, Advocate, for the petitioner.
Mr. Harpreet Multani, AAG, Punjab.

RAMENDRA JAIN, J. (ORAL)

CRM-41701 of 2018

Through this application under Section 482 Cr.P.C. prayer has been made for correction in the memo of parties.

It is averred in the application that due to typographical mistake, particulars of the petitioner were wrongly mentioned in the memo of parties. The correct particulars are as follows:

“Kulesh, aged 18 years, son of Shiv Chauhan, resident of Khaspur Parsoni, Police Station Muchkagao, District Gopalganj, Bihar.”

Heard.

For the reasons mentioned in the application, same is allowed.

Registry to carry out necessary correction in the memo of parties.

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Through this petition under Section 439 Cr.P.C., petitioner

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Kulesh, has prayed for grant of regular bail in case FIR No. 149 dated 11.07.2018 registered under Sections 353, 186, 323, 506, 34 IPC and Section 21/29 of the NDPS Act, 1985 at Police Station Chheharta, District Police Commissionerate, Amritsar.

According to the prosecution, on 11.07.2018, petitioner along with his accomplice, namely; Khushi and Janu Devi @ Manju, manhandled the Investigating Officer, when he was in the process of arresting one Shashi, having conscious possession of 260 grams of heroin without permit or licence.

Learned counsel inter alia contends that petitioner has been falsely implicated in this case. He has no concern with the alleged recovery of heroin. Petitioner is in custody since 11.07.2018. Nothing has to be recovered from her. Co-accused of the petitioner namely, Juna Devi @ Manju and Shubham Mattu have been granted regular bail by this Court vide orders dated 17.09.2018 and 24.08.2018 passed in CRM-M-39352 of 2018 and CRM-M-35803 of 2018, respectively, whereas Vivender Kumar Sharma @ Vindu has been granted anticipatory bail vide order dated 24.08.2018 passed in CRM-M-36414 of 2018. Petitioner may be granted regular bail on the same parity. Conclusion of trial may take a long time. No useful purpose would be served by detaining her in jail.

On the other hand, learned State counsel vehemently opposed the above submissions of learned counsel for the petitioner.

Considering overall facts and circumstances, but without expressing any opinion on the merits of the case, the petition is allowed.

Consequently, petitioner-Kulesh, is ordered to be released on bail pending

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trial on the same parity as that of his co-accused, on his furnishing adequate bail bonds and surety bonds to the satisfaction of Trial Court/Duty Magistrate concerned.

November 27, 2018
R.S.

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No