

CRM-M-10944 of 2019

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

CRM-M-10944 of 2019
Date of Decision: 18.03.2019

Pardeep Kumar

...Petitioner

Versus

The State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present:- Mr. J.S. Jaidka, Advocate, for the petitioner.
Ms. Sudeepti Sharma, Addl. A.G., Punjab.

RAMENDRA JAIN, J. (ORAL)

Custody certificate produced in Court today is taken on record.

Through instant petition under Section 439 Cr.P.C. prayer has been made for grant of regular bail to the petitioner in case FIR No.218 dated 05.08.2017 registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Section 24 of the Arms Act at Police Station Samrala, District Ludhiana.

According to the prosecution, co-accused of the petitioner namely Mohammad Irfan and Gagandeep @ Guni were apprehended with conscious possession of huge quantity of intoxicant powder without any permit or licence. However, petitioner managed to flee from the spot.

Learned counsel *inter alia* contends that petitioner has falsely been implicated in the aforesaid FIR. Petitioner was not apprehended at the spot. He is in custody since 08.12.2018. Conclusion of trial may take a sufficient long time. No useful purpose would be served by detaining the

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petitioner in jail any more. Co-accused of the petitioner, namely, Mohd. Irfan has been enlarged on regular bail by this Court vide order dated 24.09.2018 passed in CRM-M-46459 of 2016. Considering the case of the petitioner on same parity as that of his co-accused, he may also be granted concession of regular bail.

On the other hand, learned State counsel vehemently opposed grant of regular bail to the petitioner.

Heard.

Case of the petitioner cannot be treated at par with his co-accused Mohd. Irfan, in view of the fact that he had remained in custody for more than one year, whereas petitioner was earlier declared as proclaimed offender and is in custody after his arrest/surrender only for three months and seven days.

Dismissed.

(RAMENDRA JAIN)
JUDGE

March 18, 2019
R.S.

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No