

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-17567-2019

Date of Decision: 23.05.2019

Vijay

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present:- Mr. Ashok Giri, Advocate for the petitioner.

Mr. AS Gill, DAG, Punjab.

RAMENDRA JAIN, J. (ORAL)

Through this petition under Section 439 Cr.P.C., petitioner-Vijay, has prayed for grant of regular bail in case FIR No. 09 dated 14.01.2019 registered under Sections 392 and 379 B IPC; Section 21 of the NDPS Act and Section 25 of the Arms Act, at Police Station Adampur, district Jalandhar (Rural).

According to the prosecution, on 14.01.2019, 5 accused including the petitioner were arrested, out of which three were sitting in a stationary XUV Car bearing registration No. PB-08-DF-3600 and two on parked motorcycle bearing registration No. PB-08-CU-4680, with conscious possession of 30 grams of heroin and three countrymade pistols with 18 live cartridges.

Learned counsel *inter alia* contends that co-accused of the petitioner, namely; Shinder Pal @ Shinda @ Rok, from whom the alleged

recovery of contraband was effected has already been enlarged on bail by this Court vide order dated 20.03.2019 (Annexure P-1) passed in CRM-M-12089-2019. The recovery falls under the 'non-commercial quantity'. The alleged recovery of three countrymade pistols with 18 live cartridges has been planted upon the petitioner by the police. The same are not being used in commission of any crime. Petitioner is in custody since, 14.01.2019. Conclusion of trial may take a long time. No useful purpose would be served by detaining him in jail. Nothing has to be recovered from him. Thus, treating the case of the petitioner on the same parity as that of his co-accused, he may also be released on regular bail.

On the other hand, learned State counsel vehemently opposed the 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-Vijay, is ordered to be released on bail pending trial, on his furnishing adequate bail and surety bonds to the satisfaction of trial Court/Duty Magistrate, concerned.

May 23, 2019

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**(RAMENDRA JAIN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No