

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-28518 of 2019
Date of Decision: 14.10.2019

Saleem

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Naveen Sharma, Advocate
for the petitioner.

Mr. Rakeshinder Singh Sidhu, A.A.G. Punjab.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.257 dated 04.11.2018 registered for the offence punishable under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Moti Nagar, District Ludhiana. (Challan presented under Sections 22, 27 (A) and 29 NPDS Act).

Heard.

Learned counsel for the petitioner seeks regular bail for the petitioner on the ground of parity with co-accused, namely, Sheelo, Moni and Babita, whose applications seeking regular bail were allowed by this Court vide common order dated 10.05.2019 passed in CRM-M-14375-2019 and CRM-M-14949-2019.

As per case of prosecution, recovery of 330 gms. of Heroin alongwith cash of ₹2,78,730/- was effected from two separate bags lying in the compound of a house, where all the four accused named in the FIR were

sitting and counting the money. The facts of recovery against petitioner are similar to facts against co-accused, namely, Sheelo, Moni and Babita.

Applying the principle of parity with aforementioned co-accused, without expressing any opinion on merits of the case and keeping in view the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Saleem is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- (c) He shall not leave the country without the previous permission of the Court.

October 14, 2019
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No