

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

251

CRM-M-46094-2019

Date of decision : 03.12.2019

Suraj Kumar

... Petitioner

Versus

State of Punjab

.. Respondent

CORAM :HON'BLE MR.JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Balbir Kumar Saini, Advocate for the petitioner.

Mr. N.K. Banka, DAG, Punjab.

Anupinder Singh Grewal, J. (Oral)

The petitioner is seeking regular bail in FIR No.60 dated 04.03.2018, under Sections 22/61 of the NDPS Act, registered at Police Station City South Moga, District Moga.

Learned counsel for the petitioner contends that similarly situated co-accused, namely, Vijay Singh was granted regular bail by the trial Court and co-accused, namely, Matwal, was granted anticipatory bail by the trial Court. He also contends that the petitioner is in custody for one year and nine months and is not involved in any other case under the NDPS Act. He also contends that the petitioner was not apprehended at the spot and he should be released on bail so as to enable him to effectively lead his defence evidence.

Learned State counsel, however contends that all the prosecution witnesses have been examined and the matter is now listed before the trial Court on 06.12.2019 for recording the statement of the accused under Section

313 Cr.P.C. He also contends that the recovery had been effected from the petitioner and no recovery has been effected from the co-accused, who had been granted bail by the trial Court.

Heard.

This is the 3rd petition for regular bail which has been preferred by the petitioner. The first petition was dismissed as withdrawn by the Coordinate Bench of this Court on 01.03.2019 and second petition was dismissed as withdrawn on 24.07.2019. The case of the petitioner is apparently distinguishable from other co-accused who have been granted bail by the trial Court as recovery has allegedly been effected from him. The entire prosecution evidence has been led and therefore, I do not deem it appropriate to grant the concession of regular bail to the petitioner at this stage especially when the trial is nearing conclusion. The petition stands dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

December 03, 2019

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