

225

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

**CRM-M-4590-2020
Date of Decision: 27.02.2020**

Vijay Kumar @ Vicky

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Vipul K. Jindal, Advocate,
for the petitioner.

Mr. Avtar Singh Sandhu, Addl. A.G., Punjab.

SUDIP AHLUWALIA, J. (ORAL)

This is a petition for regular bail under Section 439 Cr.P.C. on behalf of the petitioner, in case FIR No.9, dated 02.09.2016, under Sections 21/29/61/85 of the Narcotics Drugs and Psychotropic Substances Act, 1985 and Section 42 of the Prisons Act, 1894, registered at Police Station State Special Operation Cell, District Amritsar.

[2]. It transpires that evidence of the last prosecution witness was not recorded even on 13.02.2020, which was the date noted in the earlier order passed by this Court on 06.02.2020. The matter has since been posted to 12.03.2020, due to non-availability of the concerned prosecution witness.

[3]. It may be recalled that the petitioner had sought his release on the ground of parity with co-accused Jatinder Singh @ Soni, who was granted bail by a co-ordinate Bench of this Court on 25.01.2019, after having remained in detention for more than 2 years and 4 months.

[4]. The petitioner, on the other hand, was arrested in this case on 15.09.2016, and has therefore, undergone detention for much longer period of almost 3 years and 5½ months by now. Even otherwise, no direct recovery was made from him in this case and it was actually made from the co-accused, who is already on bail and on whose disclosure statements, the present petitioner was arrested.

[5]. In these circumstances, further detention of the petitioner is not justified and he is ordered to be released on regular bail subject to appropriate terms and conditions to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

[6]. Disposed off.

27.02.2020

Bhumika

**(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/reasoned: Yes/No
2. Whether reportable: Yes/No