

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

1. CRM-M-10078-2020

Surya Parkash

...Petitioner

Versus

State of Punjab

...Respondent

2. CRM-M-8881-2020

Rajesh Kumar

...Petitioner

Versus

State of Punjab

...Respondent

Date of decision: 09.09.2020

CORAM:- HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Jashandeep Singh Sandhu, Advocate
for the petitioner(s).

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This common order shall dispose of above noted two petitions
as they arise out of the same FIR.

Prayer in these petitions, filed under Section 439 of the Code of
Criminal Procedure, is for grant of regular bail to petitioners Surya Parkash
and Rajesh Kumar in case FIR No. 128 dated 14.10.2019, registered under
Sections 22 of the Narcotic Drugs & Psychotropic Substances Act, 1985 at
Police Station City 2 Abohar, District Fazilka.

Learned counsel for the petitioners submits that as per the allegations in the FIR, the police party stopped a car, which was being driven by petitioner Surya Parkash and petitioner Rajesh Kumar was sitting on the co-driver seat. In the meantime, one other co-accused, namely Raj Kumar, who was sitting on the rear seat, tried to run away while carrying a suitcase in his hand, however, he was apprehended by the police party and disclosed his name as 'Raj Kumar'.

Learned counsel for the petitioner further submits that in fact the petitioners had no knowledge about the articles lying in the said suitcase as on search, it was found to be carrying 9500 tablets of Tramadol Hydrochloride.

It is further submitted that in fact co-accused Raj Kumar has taken lift from the petitioners and he has given it in writing that he has taken lift and petitioners Surya Parkash and Rajesh Kumar have no role in the incident, where he was caught with 9500 intoxicant tablets.

Learned counsel further submits that even as per the version in FIR, the said suitcase was in the actual possession of co-accused Raj Kumar, who tried to run away from the spot.

Learned counsel further submits that petitioner Rajesh Kumar is suffering from paralysis and has placed on record medical certificate issued by Modern Jail, Faridkot, which is taken on record as Mark 'A'. In the medical certificate, Medical Officer of the jail hospital has reported about the health conditions of Rajesh Kumar.

Learned State counsel has filed custody certificate, as per which, the petitioners are in judicial custody for the last more than ten months. It is further submitted that charges were framed on 03.03.2020,

however, till date, no prosecution witness has been examined due to Covid-19 situation. A perusal of the custody certificate shows that petitioners are no involved in any other case under the NDPS Act.

After hearing learned counsel for the parties, without commenting upon the merits of the case, considering the submissions of learned counsel for the parties, the instant petitions are disposed. Petitioners Surya Parkash and Rajesh Kumar are ordered to be released on interim bail till 15.01.2021, on their furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate concerned.

However, the trial Court, after assessing the situation, if the trial has not started in ordinary course and the evidence is recorded, may cancel or may continue the interim bail granted to the petitioners till further orders.

A photocopy of this order be placed on the file of other connected case.

09.09.2020

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

*Whether speaking/reasoned
Whether reportable*

*Yes/No
Yes/No*