

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

**CRM-M-13289 of 2020 (O&M)
DATE OF DECISION : 14.07.2020**

Umeshwar Kamal

...Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Jasraj Singh, Advocate,
for the petitioner.

Mr. Rana Harjasdeep Singh, DAG, Punjab.
(Presence marked through video conference)

ARUN MONGA, J. (ORAL)

The petitioner is seeking regular bail in FIR No.329 dated 16.11.2019 under Section 18 of NDPS Act (Section 29 of NDPS Act added vide DDR No. 11 dated 27.11.2019), registered at Police Station Model Town, District Hoshiarpur.

2. As per allegations in the FIR, 3 KGs of Opium was recovered from the car which was being driven by the petitioner.

3. Learned counsel for the petitioner submits that petitioner was not named in the FIR nor any recovery has been effected from him. He was not arrested at the spot. He has been named as an accused with the aid of Section 29 of NDPS Act, which was added vide DDR No.11 dated 27.11.2019 on a disclosure statement made by co-accused Sanjeev Kumar @ Billa.

4. Learned counsel for the petitioner further submits that recovery in the present case being 3 KGs is marginally more than the prescribed quantity of 2.5 kgs. He further submits that as per the FIR itself, the weight of 3 Kgs of the

recovered substance also includes the weight of the bag from which it was recovered from the co-accused of the petitioner.

5. Notice of motion.

6. Mr. Rana Harjasdeep Singh, DAG, Punjab, who has joined proceedings on service of advance copy of the petition appears and accepts notice on behalf of State of Punjab.

7. On a query of the Court, learned State counsel submits that the petitioner was named in the FIR on the basis of disclosure statement of co-accused Sanjeev Kumar @ Billa. However, order dated 07.02.2020 passed by this Court contained at Annexure P-3 reflects that the said co-accused has already been granted the concession of interim bail until the receipt of FSL report.

8. In the premise, I am of the view that apart from other reasons petitioner is also entitled to the concession of interim bail on the ground of parity itself.

9. In view of the above, without commenting anything on the merits, the petitioner is granted interim bail subject to furnishing bail/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate, till the receipt of FSL report. On receipt of FSL report, the petitioner would surrender before the learned trial Court.

10. Petition stands disposed of accordingly.

(ARUN MONGA)
JUDGE

JULY 14, 2020
vandana

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No