

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

CRM-M-52923-2019

Date of Decision : 16.01.2020

Pawan Kumar

....Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA

...

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

Mr. TPS Chawla, DAG, Punjab.

...

TEJINDER SINGH DHINDSA, J.(ORAL)

This is the third petition preferred by the petitioner under Section 439 of the Code of Criminal Procedure seeking regular bail pending trial in case FIR No.232 dated 24.09.2016 registered under Sections 21, 25, 29 NDPS Act, 1985 at Police Station Chherretta, District Amritsar.

Counsel representing the petitioner has adverted to an order dated 18.11.2019 passed by a Coordinate Bench of this Court in Crl.Misc.No.M-32877 of 2019 granting concession of bail to co-accused Raman Kumar. The order reads in the following terms :

“Learned counsel for the petitioner submits that the petitioner has been in custody for the last 2 years and 9 months, with the recovery of 2.5 kgs of heroin having been made from his co-accused and not from him,

the allegation against him being that he ran away from the spot.

Learned State counsel, on instructions, submits that there is one more criminal case registered against the petitioner under the provisions of the Narcotic Drugs & Psychotropic Substances Act, 1985, as also the Arms Act, about 5 months after the present FIR was registered.

However, he, on query, admits that the petitioner has been in custody for the aforesaid period, with only 5 prosecution witnesses having been examined out of 22 witnesses.

That being so, looking at the period of custody of the petitioner, with the trial still not being anywhere near conclusion, without making any comment on the merits of the case for or against the petitioner, the petition is allowed. The petitioner would be enlarged on bail, upon his furnishing adequate bail and surety bonds to the satisfaction of the trial Court. ”

On a specific query having been put learned State counsel upon instructions from ASI Sarwan Singh, Police Station Chherreta, District Amritsar concedes that both Raman Kumar as also the petitioner herein are on an identical footing.

In view of the above, on the ground of parity itself petitioner is held entitled to the benefit of bail.

Petition is allowed.

Petitioner be enlarged on bail upon his furnishing
adequate bail and surety bonds to the satisfaction of the trial Court.

16.01.2020
dss

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No