

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

CRM-M-7945-2021 (O&M)
Date of decision : 14.12.2022

Parveen Kumar

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Anil Kumar Lamdharia, Advocate for the petitioner.

Mr. Gurpreet Singh, Addl. AG Punjab.

ALKA SARIN, J. (ORAL)

This is the second petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.198 dated 26.06.2020 under Sections 22/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Phillaur, District Jalandhar, Punjab. The first petition filed by the petitioner being CRM-M-39481-2020 was dismissed by a speaking order dated 02.12.2020.

Learned counsel for the petitioner would contend that the change in circumstances in the present case is that the similarly situated co-accused, namely, Vinod Singh @ Vinay has since been granted bail by this Court vide order dated 17.08.2022 in CRM-M-2358-2021. Learned counsel for the petitioner would further contend that the petitioner has been in custody since 26.06.2020 and out of 15 prosecution witnesses only 05

witnesses have been examined till date and the trial is likely to take some time to conclude. It is further the contention of learned counsel for the petitioner that the petitioner is not involved in any other case. Learned counsel for the petitioner would further contend that the petitioner was also granted interim bail vide order dated 25.07.2022 for the purposes of treatment being a HIV Positive patient and he did not misuse the said concession of bail.

Per contra, learned counsel for the State has opposed the grant of regular bail on the ground that the recovery is commercial. However, learned counsel for the State is not in a position to deny the fact that the similarly situated co-accused, namely, Vinod Singh @ Vinay has since been granted bail by this Court vide order dated 17.08.2022 in CRM-M-2358-2021. He is also not in a position to deny that there is no other case pending against the petitioner.

Heard.

In the present case the petitioner has already been in custody for a period of 2 years, 3 months and 12 days. Out of 15 prosecution witnesses, only 05 witnesses have been examined till date. The trial is likely to take some time to conclude. There is no other case pending against the petitioner. Further, similarly situated co-accused, namely, Vinod Singh @ Vinay has since been granted bail by this Court vide order dated 17.08.2022 in CRM-M-2358-2021. On the ground of parity as well as keeping in view the facts that the petitioner is a HIV Positive patient, who had earlier been granted interim bail for his treatment, without going into merits of the case, this

petitioner is directed to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Judge, Special Court (Duty) concerned.

However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

Disposed off. Pending applications, if any, also stand disposed off.

**(ALKA SARIN)
JUDGE**

14.12.2022
Yogesh Sharma

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO