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

CRM-M-8201-2022

Date of Decision: 04.03.2022

Vikram Sharma

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Abhimanyu Kalsy, Advocate,
for the petitioner.

Mr. R.S. Thind, DAG, Punjab.

Through Video Conferencing

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 439 of the Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.05 dated 04.01.2021, under Sections 21, 22 & 29 of the NDPS Act, registered at Police Station STF, Phase-4, Mohali, District S.A.S. Nagar.

Learned counsel for the petitioner has submitted that the petitioner is in custody from 04.01.2021 and in the present case there was total violation of Section 42 of the NDPS Act. He further submitted that the petitioner and the co-accused were arrested together and the other co-accused has been granted bail by this Court by passing a detailed order on 23.08.2021 in CRM-M-25726-2021 on the ground of violation of Section 42 of the NDPS Act. He also submitted that the State had conceded that no zimni was recorded by the Investigating Officer regarding the compliance of

Section 42 of the NDPS Act. He further submitted that the present petitioner is at parity with the aforesaid co-accused and therefore, he may be considered for the grant of concession of regular bail.

On the other hand, Mr. R.S. Thind, learned DAG, Punjab, has submitted that it is correct that the petitioner is in custody from 04.01.2021 and in the aforesaid case, where the co-accused, namely, Pankaj Kanojia was granted bail, the reason for the grant of bail was non-compliance of the mandatory provision of Section 42 of the NDPS Act. He further submitted that it is correct that the petitioner is at parity with the aforesaid co-accused.

I have heard the learned counsel for the parties.

In view of the aforesaid position, this Court deems it fit and proper to grant bail to the petitioner being at parity with the aforesaid co-accused-Pankaj Kanojia. Consequently, the present petition is allowed and the petitioner is ordered to be released on bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

04.03.2022

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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