

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-14541 of 2022
Date of Decision: January 25, 2023

Ramzan Khan

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Mr. P.S. Sekhon, Advocate
for the petitioner

Mr. Gurpal Singh Dhillon, AAG Punjab

Sudhir Mittal, J. (Oral)

Status report dated 25.01.2023 has been filed on behalf of the State in the Court. The same is taken on record.

This petition has been filed for grant of regular bail in case FIR No. 139 dated 31.12.2021, registered at Police Station Chhajli, District Sangrur under Sections 15, 29 of the NDPS Act, 1985.

Learned counsel for the petitioner submits that the identically situated co-accused namely Gagandeep has already been granted regular bail. The petitioner has undergone actual custody in excess of one year and the trial is still at the initial stage as examination of PWs has not yet commenced. There is one other pending case under the NDPS Act, 1985 in which the petitioner is on bail and one conviction has been recorded in which the sentence has already been undergone. Thus, the petitioner may be granted regular bail.

Custody certificate dated 24.01.2023 checked by Sh. Jaspreet Singh

Thind, DSP Sangrur Jail of District Jail, Sangrur has been filed in Court. The same

is taken on record. A perusal thereof shows that the petitioner has undergone actual custody of 01 year and 20 days and there are two other cases under the NDPS Act pending against him. In third case production warrants have been issued.

Learned State counsel concedes that examination of PWs has not yet commenced and that similarly situated co-accused has been granted regular bail. He further states that the custody certificate is at variance with the status report, according to which there is one conviction and one pending trial. There is one other case under the investigation but the same is not under the NDPS Act, 1985.

Keeping in view the aforementioned facts, it is evident that the trial is not likely to be concluded at an early date. Similarly situated co-accused has been granted regular bail and, thus, the petitioner is also entitled to the same concession on the basis of principle of parity. The petition is allowed and the petitioner is directed to be released on bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned. One of the conditions of bail shall be that the petitioner shall mark his presence in the local Police Station on the first day of month after every two months.

January 25, 2023

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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No