

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

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CRM-M-23770-2023

Date of decision: 17.05.2023

PAWAN KUMAR

...Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Armaan Gagneja, Advocate
for the petitioner.

Mr. Madhur Sharma, AAG, Punjab.

DEEPAK MANCHANDA, J.(ORAL)

Petitioner has filed this petition under Section 439 read with Section 482 Cr.P.C. for grant of regular bail in case FIR No.101 dated 04.12.2021 under Section 21 of Narcotic Drugs and Psychotropic Substances Act, 1985 (Sections 27 and 29 NDPS Act added later on), registered at Police Station City-2, Abohar, District Fazilka.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. It is alleged that on 04.12.2021, police party holding a naka upon receiving a secret information and apprehended the petitioner and co-accused, namely, Parveen Kumar and Gora Singh and recovery of 260 grams of heroin has been recovered from the i20 car in which they were travelling, which is marginally above than the non-commercial quantity. The petitioner is in custody since 04.12.2021.

Learned counsel for the petitioner submits that co-accused, namely, Parveen Kumar, Judge Singh and Gora Singh and have already been granted the concession of regular bail by this Court vide orders dated

13.03.2023 in CRM-M-11503-2022 (Annexure P-3), 06.02.2023 in CRM-M-32223-2022 (Annexure P-4) and 19.04.2023 in CRM-M-43465-2022 (Annexure P-5), respectively and claims parity. He also contends that investigation has already been concluded, wherein, challan stands presented, charges have been framed and out of total 17 prosecution witnesses, none has been examined till date and conclusion of the trial will take sufficient time, therefore, the petitioner be enlarged on bail.

On the other hand, learned State counsel assisted by ASI Vishlesh Kumar has opposed the aforesaid prayer on the ground that allegations levelled against the petitioner are serious in nature. However, he has not disputed the fact that challan stands presented, charges have been framed and out of total 17 prosecution witnesses, none has been examined.

I have heard learned counsel for the parties.

Petitioner is in incarceration since 04.12.2021.

It is not a case made out by the respondent-State that in case concession of bail is granted to the petitioner, he would hamper the course of free and fair trial. Further, since quantity of contraband is marginally above than the non-commercial quantity and same is recovered from the car itself and the investigation has already been completed, challan stands presented, charges have been framed and out of total 17 prosecution witnesses, none has been examined till date. Moreover, co-accused, namely, Parveen Kumar, Judge Singh and Gora Singh, who have already been granted the concession of regular bail by this Court vide orders dated 13.03.2023 (Annexure P-3), 06.02.2023 (Anneuxre P-4) and 19.04.2023 (Anneuxre P-5), respectively, where the petitioner claims parity and keeping

in view the trial would take sufficient time, no useful purpose would be served in keeping the petitioner behind bars.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

May 17, 2023

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(DEEPAK MANCHANDA)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No