

CRM-M-35225-2023

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(240)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-35225-2023

Date of Decision: 27.07.2023

PARDEEP KUMAR @ VICKY

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. M.S. Saini, Advocate
for the petitioner.

Mr. Harkanwar Jeet Singh, Asstt. A.G., Punjab.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.219 dated 19.06.2019 registered under Section 22 of the NDPS Act, 1985 (Section 29 of NDPS Act added later on) at Police Station Phillaur, District Jalandhar, Punjab.

2. The brief facts of the case are that while the police party was on patrolling duty, a black colour motorcycle was seen coming from Appra side. Two persons were sitting on the said motorcycle. They were stopped. The persons sitting on the back seat disclosed his name as Pardeep Kumar @ Vicky (petitioner) son of Paramjit. The recovery of 4 injections of Phenergan and 4 injections of Avil 10 ML came to be effected from a plastic polythene packet being carried by him. The driver of the motorcycle disclosed his name as Karamjit @ Bobby. From a plastic polythene packet which had been

hanged on the handle of his motorcycle, the recovery of 18 Buprenorphine injections and 18 injections of Avil came to be effected.

3. The learned counsel for the petitioner contends that so far the recovery from the petitioner is concerned, it is of Phenergan and Avil injections. The recovered injections do not fall within the ambit of the NDPS Act. From the co-accused Karamjit Singh @ Bobby, there is a recovery of 18 injections of Buprenorphine and 18 injections of Avil. He has been granted the concession of bail vide order dated 17.08.2020 (Annexure P-5). He therefore, contends that the petitioner be granted the similar concession as he is in custody since 24.02.2023, only 03 of the 12 prosecution witnesses had been examined so far and he is a first-time offender.

4. On the other hand, the learned State counsel fairly concedes the fact that the recovery from the petitioner is of Phenergan and Avil injections which do not fall within the ambit of the NDPS Act as also the fact that the co-accused from whom the recovery of Buprenorphine injections have been effected has been granted the concession of bail.

5. I have heard the learned counsel for the parties.

6. Admittedly, the petitioner is in custody since 24.02.2023. Only 3 of the 12 prosecution witnesses have been examined so far. The co-accused namely Karamjit Singh @ Bobby has been granted the concession of bail vide order dated 17.08.2020 (Annexure P-5). Therefore, the further incarceration of the petitioner is not required.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Pardeep Kumar @ Vicky son of

Paramjit Singh is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

27.07.2023
JITESH

Whether speaking/reasoned:- Yes/No
Whether reportable:- Yes/No