

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

CRM-M-543-2023

DECIDED ON: 01.02.2023

YOGESH KUMAR

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Jitender Singh Dadwal, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

This is a petition seeking regular bail in FIR No.72, dated 22.05.2019, under Sections 22, 27, 29 of NDPS Act, 1985 and Section 52-A of the Prison Act and Section 411 of the IPC, 1860 added later on, registered at Police Station Division No.2, Ludhiana.

Learned counsel for the petitioner contends that at the time alleged recovery, the petitioner was in the police custody and was being taken for medical check up alongwith other 4 co-accused persons and it was on the arrest of one Suraj Kumar @ Kali from whom the recovery was effected.

Learned counsel for the petitioner has further drawn attention of this Court to the orders dated 27.10.2021 and 27.08.2021 passed in CRM-M-43355-2021 and CRM-M-42519-2020 respectively, whereby the other two co-accused have been granted the regular bail. He asserts that the case of the petitioner is squarely covered and is at parity with the aforesaid two co-accused.

Notice of motion.

On the asking of Court, Mr. Mohit Kapoor, Addl. AG, Punjab accepts notice on behalf of respondent-State and produced the custody certificate, which is taken on record.

According to the custody certificate, the petitioner is behind the bars for the last 3 years, 8 months and 9 days. Apart from the fact that the alleged recovery though, commercial in nature, is not from the possession of the petitioner who has been implicated in the present case on the basis of disclosure statement, despite the fact that he was in the police custody in some other case on that day.

The petitioner is also at parity with the other two co-accused, who also deserves the concession of regular bail as he cannot be discriminated at this stage.

In the light of the aforesaid facts, the petitioner is, therefore, directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, concerned.

The present petition is, hereby, allowed.

(SANDEEP MOUDGIL)
JUDGE

01.02.2023

Meenu

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>