

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

207

CRM-M-63839-2023

Date of decision : 22.12.2023

Karan @ Karan Sharma @ Pinchu Gandhi**..... Petitioner**

versus

State of Punjab**..... Respondent****CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. Umesh Aggarwal, Advocate
for the petitioner.

Mr. Jaswinder Singh Arora, DAG, Punjab
with ASI Tarsem Singh.

PANKAJ JAIN, J. (Oral)

1. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.134 dated 06.04.2023, registered for the offences punishable under Sections 379-B, 379(B)(2) and 34 of IPC at Police Station Islamabad, District Amritsar.
2. Custody certificate has been produced by learned State counsel. The same is taken on record. As per the same, the petitioner has undergone actual custody of 08 months and 14 days.
3. Counsel for the petitioner submits that there is no other case pending against the petitioner under NDPS Act. Reliance is being placed upon order dated 21.11.2023 passed in **CRM-M-38854-2023**, whereby co-accused Dalbir Singh @ Pakhana has been granted regular bail, observing as under:-

“This petition has been filed under Section 439
Cr.P.C. for grant of regular bail to the petitioner in case

2023:PHHC:165303

F.I.R. No.134 dated 06.04.2023 registered for the offences punishable under Sections 379-B/34/201 of IPC, at Police Station Islamabad, Amritsar.

2. Custody Certificate of the petitioner has been produced. The same is taken on record.

3. Counsel for the petitioner submits that the petitioner was not named in the FIR but has been nominated on the basis of confessional statement alleged to have been suffered by him after he was arrested in another FIR No.129 of 2023 registered for offence punishable under Section 379-B IPC, Police Station Islamabad, Amritsar. Challan already stands presented. Investigation stands concluded. Petitioner is behind bars for more than 8 months 13 days.

4. State Counsel is not in position to dispute the aforesaid factual assertions made by counsel for the petitioner which are based on record.

5. I have heard counsel for the parties and have gone through records of the case.

6. Without commenting on the merits of the case, keeping in view the incarceration already suffered by the petitioner and the fact that the investigation already stands concluded and Challan stands presented, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

7. Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.”

3. Counsel for the State does not dispute the aforesaid fact.

4. Keeping in view the parity and the incarceration already suffered by the petitioner, the present petition is allowed. Petitioner is ordered to be

released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

5. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

22.12.2023
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No