

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-10183-2024
Date of decision : 04.03.2024

Mandeep Kumar @ Deepa Petitioner

versus

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Ruhani Chadha, Advocate
for the petitioner.

Mr. Mohit Kapoor, Sr. DAG, Punjab.

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.86 dated 06.07.2021, registered for the offences punishable under Sections 21, 25 and 29 of the NDPS Act, 1985 at Police Station Bhargo Camp, District Jalandhar.
2. As per prosecution, a secret information was received that accused namely Sahil, Mandeep Kumar and Jaswinder Kaur are dealing in narcotics and psychotropic substance and are used to supply the herion to the customers. Car bearing registration No.PB08-EP-7868 SUV 300 was apprehended. The petitioner alongwith Sahil was arrested after search of the car laid to discovery of 260 gms of herion and alleged debt money of Rs.3,47,000/-. Petitioner also happens to be the owner of the aforesaid car. He is in custody since 06.07.2021.

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3. Counsel for the petitioner relies upon order dated 20.02.2024 passed in CRM-M-7811-2024, whereby co-accused Sahil has been granted bail observing that he has suffered a prolonged custody of almost 02 years, 07 months and 16 days and only 07 out of 13 cited witnesses could be examined. Counsel prays for parity.

4. *Per contra*, State counsel submits that petitioner being owner of the car cannot claim parity vis-a-vis Sahil more so, when the petitioner has antecedents of facing another FIR under the NDPS Act.

5. Faced with with situation, counsel for the petitioner submits that so far as the other case is concerned, in that the petitioner was nominated on the basis of disclosure made by co-accused and there was no recovery effected from the petitioner in the said case and the petitioner stands admitted to regular bail by trial Court vide order dated 07.08.2019. After appreciating that it was a case of recovery of 40 gms. of heroin and that too from the co-accused and not from the petitioner.

6. Keeping in view the parity, prolonged incarceration and the fact that the trial is not concluded in the near future, 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. However, in addition to conditions that may be imposed by the Trial Court/Duty Magistrate concerned, the petitioner shall remain bound by the following conditions :-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence oral or documentary during the trial.
- (iii) The petitioner shall not absent himself on any

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date before the trial.

- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any with the trial Court.
- (vi) The petitioner shall give his cellphone number to the police authorities and shall not change his cell-phone number without permission of the trial Court.
- (vii) The petitioner shall not in any manner try to delay the trial.

7. In case of breach of any of the aforesaid conditions and those which may be imposed by the Trial Court, the prosecution shall be at liberty to move cancellation of bail of the petitioner.

8. Ordered accordingly.

(PANKAJ JAIN)
JUDGE

04.03.2024
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Whether speaking/reasoned :	Yes
Whether Reportable :	No