

S. No.232

2024:PHHC:005525

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-1017 of 2024

Date of Decision:16.01.2024

Ashok Kumar

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Gurpal Singh Sandhu, Advocate
for the petitioner.

DEEPAK GUPTA, J. (Oral)

By way of present petition filed under Section 439 Cr.P.C., petitioner has prayed for grant of regular bail in case FIR No.115 dated 28.07.2022 registered under Section 22(c) of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Gidderbaha, District Sri Muktsar Sahib.

As per prosecution allegations, 16 vials of Cocrex Cough syrup containing salt Codeine Phosphate were recovered from the possession of the petitioner and co-accused Jagseer Singh on 28.07.2022. The recovered quantity falls in the commercial category.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated; that he is in custody for more than 01 year and 05 months and that the trial may take time to conclude.

Learned counsel for the petitioner also contends that similarly placed co-accused Jagseer Singh alias Billa has already been allowed bail by this Court vide order dated 28.11.2023 passed in CRM-M-50943 of 2023, copy of which is Annexure P.3.

Notice of motion.

Mr. Amit Rana, Sr. DAG, Punjab, accepts notice on behalf of the respondent- State. Custody certificate has been placed on record.

Learned State Counsel has opposed the petition on the ground that recovered quantity of contraband falls in the commercial quantity and that the petitioner is involved in five other cases. However, it is conceded that case of the petitioner is on parity with co-accused Jagseer Singh @ Billa, who has already been allowed bail by this Court vide order dated 28.11.2023 passed in CRM-M-50943 of 2023.

As per the custody certificate, petitioner is in custody for the last 01 year 05 months and 18 days.

Having regard to all the facts and circumstances of the case and also on the basis of parity, but without commenting anything on the merits of the case, present petition is allowed. Petitioner is admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/ Duty Magistrate concerned, on usual terms and conditions.

January 16, 2024
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No