

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-15836-2020 (O&M)

Date of Decision: 03.07.2020

Karnail Singh @ Kaila

... Petitioner

VS.

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE GIRISH AGNIHOTRI

Present: Mr. Prateek Pandit, Advocate for the petitioner

Mr. Sidakmeet Singh Sandhu, AAG Punjab

GIRISH AGNIHOTRI, J. (Oral)

The matter has been taken up through video conferencing on account of lockdown due to outbreak of COVID-19 pandemic.

The petitioner Karnail Singh @ Kaila who is stated to be aged 28 years has filed the present petition *inter alia* with a prayer for grant of regular bail. He has been allegedly involved in case FIR No.139 dated 01.09.2019 under Sections 21/29 NDPS Act, 1985 registered at PS Subhanpur, District Kapurthala.

Learned counsel based upon the pleadings submits that as per the allegations in the FIR, the petitioner was stated to be a pillion rider on a motor cycle. He further submits that it was completely a false case in which the petitioner has been involved and in fact no recovery was made from the conscious possession of the petitioner.

Notice of motion.

On the asking, Mr. Sidakmeet Singh Sandhu, AAG Punjab accepts notice through video conferencing.

Learned State counsel, however, on the other hand, submits that there are 3 other cases against the petitioner and no prejudice has been

caused to the petitioner as there has been proper compliance of Section 50 of the NDPS Act.

Faced with this, learned counsel for the petitioner submits that the petitioner was arrested on 01.09.2019. The challan in this case was presented on 24.02.2020, however, charges have not been framed till date. Counsel submits that there are a total of 13 witnesses. That apart, counsel then submits that due to COVID situation retention of the petitioner in jail is dangerous to his life and otherwise also the trial is likely to take some time.

In view of the above, this Court deems it appropriate to release the petitioner on regular bail subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the Duty Magistrate/trial court concerned.

In view of the peculiar circumstances as noticed above, in addition to bail bonds/additional surety which the trial court may further require the petitioner to furnish as it deems appropriate, the petitioner is directed to furnish FDR of Rs.1 lakh in his name valid for two years before the Duty Magistrate/trial Court which shall await further orders of this Court.

It is also made clear that in case the petitioner is subsequently found involved in any other NDPS case, the prosecution is free to move an application for cancellation.

However, it is made clear that anything observed herein shall not be construed to be an expression on merits of the case.

Disposed of.

03.07.2020

vishal shonkar

(Girish Agnihotri)
Judge

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

Yes/No
Yes/No