

CRM-M-23427-2020

Date of decision: 22.09.2020

KARNAIL SINGH @ KAILA

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Prateek Pandit, Advocate for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

*(The case has been taken up through video conferencing on account of Covid-19 Pandemic)***VIVEK PURI, J. (ORAL)**

The petitioner is seeking regular bail in the case bearing FIR No. 162 dated 06.08.2019 under Sections 21/22/29 of NDPS Act, 1985 registered at Police Station Kotwali Kapurthala, District Kapurthala.

It has been submitted by the learned counsel for the petitioner that the present FIR has been registered in pursuance of recovery of 100 grams of heroin and 260 grams of intoxicant powder from Inderjit Singh @ Inder and Baljit Singh @ Kishan. The petitioner has been nominated as an accused in pursuance of the disclosure statement of the co-accused.

It has been stated by the learned counsel for the petitioner that he has also been arrayed as an accused in three other cases of NDPS Act and the details thereof are as following:-

- 1) FIR No. 139 dated 01.03.2019, Police Station Subhanpur, District Kapurthala wherein the recovery was effected but he has been granted bail by the Co-ordinate Bench of this Court in terms of order dated 03.07.2020 passed in CRM-M-15836-2020.

2) FIR No. 140 dated 01.05.2019, Police Station Subhanpur, District Kapurthala, which is a case of no recovery from the petitioner and he has been granted bail by the Judge of Special Court, Kapurthala in terms of order dated 13.07.2020.

3) FIR No.180 of 2019, Police Station Kotwali, District Kapurthala but the arrest of the petitioner has not yet been effected in this case and even, this is also a case of no recovery from the petitioner.

On the last date of hearing, learned State counsel had sought time to verify, if any, production warrants have been sought to effect the arrest of the petitioner in the FIR No.180 of 2019.

It has been submitted by the learned State counsel that the production warrants have not been procured on account of prevailing circumstances due to Covid-19 Pandemic and the arrest of the petitioner in that case is yet to be effected.

It has also pointed out by the learned counsel for the petitioner that the identically placed co-accused namely Charanjit Singh who was also nominated on the basis of the disclosure statement of co-accused has been granted the concession of anticipatory bail by the Co-ordinate Bench of this Court in terms of order dated 16.01.2020 passed in CRM-M-55344-2019.

On instructions from ASI Jaswinder Singh, the learned State counsel has not disputed the aforesaid factual aspect.

In the instant case, no recovery has been effected from the petitioner, he has been sought to be nominated on the basis of disclosure statement of the co-accused, the arrest of the petitioner was effected on 20.11.2019, the investigation of the case is complete, the challan has already been presented in the Court and the conclusion of the trial is likely to take sometime. Furthermore, the identically placed co-accused has been granted pre-arrest bail.

Accordingly, the present petition is allowed and petitioner is ordered

to be released on bail to the satisfaction of concerned Chief Judicial Magistrate/Illaqa Magistrate/Duty Magistrate.

22.09.2020
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No