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

1. CRM No.27915 of 2020 in/and
CRM-M No.27000 of 2020 (O&M)
Date of Decision: 17.11.2020

GURJOBAN SINGHPetitioner
Vs
STATE OF PUNJABRespondent

2. CRM-M No.30853 of 2020

BALPREET SINGH @ BALIPetitioner
Vs
STATE OF PUNJABRespondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Ms. Manpreet Ghuman, Advocate
for the petitioner in CRM-M No.27000 of 2020.

Mr. Kirat Pal Dhaliwal, Advocate
for the petitioner in CRM-M No.30853 of 2020.

Mr. Rana Harjasdeep, D.A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

Both the cases have been taken up for hearing through
video conferencing.

CRM No.27915 of 2020 in CRM-M No.27000 of 2020

Prayer made in this application is for preponing the
date of hearing from 09.12.2020 to some earlier actual date.

CRM-M No.30853 of 2020 titled 'Balpreet Singh @ Bali

vs. State of Punjab' arising out of the same FIR is fixed for today. The said case is matured for arguments.

In view of aforesaid, it would be just and appropriate to hear this case along with CRM-M No.30853 of 2020 today itself.

Application stands disposed of.

Main case(s)

Vide this common order, CRM-M No.27000 of 2020 and CRM-M No.30853 of 2020 are being decided. Since both the cases have arisen out of same FIR, therefore, common facts are being noticed.

FIR No.83 dated 26.07.2017 was registered under Sections 15, 25, 29 of the NDPS Act. Offence under Sections 61 and 85 of the NDPS Act was added later on.

As per allegations, five persons were found present in a truck from where 25 gunny bags weighing 36 kgs. each containing poppy husk were allegedly recovered. Some amount was also recovered from the aforesaid persons.

Angrej Singh is the owner of the truck, who has been granted anticipatory bail vide order dated 20.02.2018 passed by the High Court in CRM-M No.46905 of 2017.

Evidently, the FIR was registered on 26.07.2017. Both

the petitioners are in custody since then. They have undergone more than three years of incarceration. Co-accused Kuldeep Singh @ Babli has already been granted regular bail vide order dated 14.08.2020 passed by this Court in CRM-M No.50254 of 2019.

Learned State counsel could not dispute the similarity between Kuldeep Singh @ Babli with that of the present petitioners. After framing of charges, 10 prosecution witnesses have been examined out of total 29 witnesses. Petitioners are neither owner, nor driver of the vehicle.

It would be debatable as to whether the recovery of contraband could be presumed to have been effected from conscious possession of the petitioner(s). In view of the situation arising out of COVID-19 pandemic, likelihood of culmination of trial would be bleak in near future.

Keeping in view the period of incarceration of the petitioner(s), stage of trial and due to the situation arising out of COVID-19 pandemic, I deem it appropriate to enlarge the petitioner(s) on regular bail.

In view of above, both the petitions are allowed. Petitioners are ordered to be released on bail, subject to their furnishing adequate bail bonds/surety bonds to the satisfaction

of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to
be an expression of any opinion on merits of the case.

November 17, 2020	(RAJ MOHAN SINGH)
<i>Atik</i>	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No