

CRM-M-32830-2020

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

**CRM-M-32830-2020 (O & M)
Date of decision: 01.12.2020**

Kapil Dev alias Kapil Kumar

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. M.K.Dhot, Advocate,
for the petitioner.

Mr. Mehardeep Singh Dullat, Addl. A.G.Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

CRM-25602-2020

This is an application for grant of exemption from filing the Court fee and the original power of attorney.

Learned counsel for the petitioner is directed to deposit the Court fee online forthwith.

The petitioner is exempted from filing the original power of attorney.

Disposed of.

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Custody certificate by way of affidavit of the Deputy Superintendent, New District Jail Nabha, has been filed through e-mail. Print out of the same is taken on record.

Through this petition, the petitioner seeks regular bail in case

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bearing FIR No.99 dated 20.08.2019, registered at Police Station City-II, Malerkotla, District Sangrur, under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

Learned counsel for the petitioner submits that the petitioner has been in custody for the last more than 01 year and 03 months; that the trial is not likely to be concluded any sooner; that there is no other criminal case pending or registered against the petitioner and that similarly situated co-accused, Kamil Qureshi has since been enlarged on bail by a Coordinate Bench of this Court, vide order dated 21.09.2020 passed in CRM-M-4521-2020.

On the other hand, learned State counsel opposes the prayer made in the present petition on the ground that a large quantity of contraband was recovered from the petitioner. However, he concedes that there is no other criminal case pending or registered against the petitioner.

I have heard the learned counsel for the petitioner.

The petitioner has been in custody for the last more than 01 year and 03 months. Trial of the case would take time to conclude. There is no other criminal case pending or registered against the petitioner. Moreover, similarly situated co-accused has since been enlarged on bail and the petitioner is also entitled to bail on the ground of parity also. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his

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furnishing bail and surety bonds to the satisfaction of the learned trial
Court/Duty Magistrate.

01.12.2020
parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No