

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

CRM-M-33190-2020
Date of Decision: 19.11.2020

KARNAIL SINGH @ KAILA

....PETITIONER

Versus

STATE OF PUNJAB

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

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

Mr. SPS Tinna, Additional Advocate General, Punjab.

SANT PARKASH J.

*(The aforesaid presence is being recorded through video conferencing
since the proceedings are being conducted in virtual court)*

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.180 dated 31.08.2019 under Section 22 and 29 of the Narcotic Drugs & Psychotropic Substances Act, 1985 (for short, 'Act'), registered at Police Station Kotwali Kapurthala, District Kapurthala.

As per the prosecution, a police party apprehended one Sharma Singh @ Shama and recovered 260 gms of intoxicant powder from him. The same on chemical analysis has been found to contain Alprazolam. During investigation, he disclosed the name of the petitioner/Karnail Singh @ Kaila as his co-accused.

Learned counsel for the petitioner has contended that neither the petitioner was named in the FIR nor he is alleged to be present at the spot. He has been arrayed as accused merely on the basis of disclosure

statement made by main accused. No recovery has been effected from the petitioner. Instant case has been foisted upon the petitioner when he is already lodged in the Jail. The co-accused namely Sukhdev Singh @ Sebi has already been granted regular bail by this Court and role attributed to the petitioner is identical.

Per contra, learned State counsel has opposed the petition but could not dispute the aforesaid facts.

I have heard learned counsel for the parties and with their kind assistance, have gone through the record of case.

The name of the petitioner was disclosed by main accused. Moreover, the co-accused of the petitioner has already been granted the concession of regular bail.

Keeping in view the totality of facts & circumstances of the present case and the fact that since the trial of the case will take long time, no useful purpose would be served by keeping the petitioner in custody further, since he is already behind bars; including the fact that co-accused has already been granted the concession of regular bail, the present petition is allowed.

The petitioner is ordered to be released on bail on his furnishing adequate bail/surety bonds to the satisfaction of the trial court/Chief Judicial Magistrate/Duty Magistrate concerned.

**(SANT PARKASH)
JUDGE**

November 19, 2020
sonika

whether speaking/reasoned: Yes/No

whether reportable: Yes/No