

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

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CRM-M-49263-2019

Date of Decision: 07.01.2020.

Karnail Singh

....Petitioner.

Versus

State of Punjab

....Respondent.

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. G.S. Manku, Advocate for the petitioner.

Mr. V.G. Johar, Senior Deputy Advocate General, Punjab.

Suvir Sehgal, J. (Oral)

Present petition under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.4 dated 08.01.2018, under Section 22 of the NDPS Act, 1985 registered at Police Station Bholath, District Kapurthala.

Learned counsel for the petitioner submits that the alleged recovery effected from the petitioner is 16 vials of injections Avil 10 ML and 16 vials of Rexogesic 2ML. There is no other case pending against the petitioner and he is in custody since 21.08.2018 i.e. the date when charge was framed against him. Earlier also, he remained in custody in the present case from 09.01.2018 to 17.03.2018. Trial in the case will take a long time. Learned counsel for the petitioner placed reliance upon the order of Co-ordinate Bench of this Court dated 14.12.2018 passed in CRM-M-50237-2018—Jaswinder Singh vs. State of Punjab, whereby co-accused has been granted concession of regular bail.

Learned State counsel, on instructions from ASI Ramesh Kumar, does not dispute the submissions made on behalf of the petitioner, however, states that keeping in view the contraband recovered from the petitioner, he is not entitled for bail.

I have heard learned counsel for the parties.

Undisputedly, the petitioner is in custody since 21.08.2018 i.e. the date when charge was framed against him. Earlier also, he remained in custody in the present case from 09.01.2018 to 17.03.2018 and there is no other case pending against him. Moreso, co-accused Jaswinder Singh has already been granted bail by Co-ordinate Bench of this Court vide order dated 14.12.2018 passed in CRM-M-50237-2018. Considering the fact that trial in the case will take sufficiently long time and no useful purpose will be served to keep the petitioner in custody, I deem it appropriate to release him on regular bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to furnishing of his bail bonds/surety bonds to the satisfaction of trial Court.

It is made clear that in case the petitioner is found indulged in any other case under the NDPS Act, the prosecution shall be at liberty to seek cancellation of his bail.

(SUVIR SEHGAL)
JUDGE

07.01.2020

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Whether speaking/ reasoned	:	Yes/ No
Whether Reportable	:	Yes/ No