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

**CRM-M No.50254 of 2019
Date of Decision: 14.08.2020**

KULDEEP SINGH @ BABLI

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Ms. Manpreet Ghuman, Advocate
for the petitioner.

Mr. Sidakmeet Singh Sandhu, A.A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video conferencing.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.83 dated 26.07.2017, registered under Sections 15, 25, 29 of the NDPS Act (Section 61 of the NDPS Act added later on) at Police Station Barnala, District Barnala.

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

was also recovered from the persons.

The first petition i.e. CRM-M No.20604 of 2019 filed by the petitioner for grant of regular bail was dismissed as withdrawn at that stage vide order dated 28.05.2019.

Learned counsel for the petitioner submitted that the FIR was registered on 26.07.2017 and since then the petitioner is in custody. Petitioner has already undergone more than three years of incarceration. After framing of charges, out of 29 prosecution witnesses, 10 of the prosecution witnesses have been examined so far. Petitioner is neither owner nor driver of the vehicle. Recovery of contraband was not effected from conscious possession of the petitioner.

Learned counsel further submitted that due to the situation arising out of pandemic COVID-19, there is no likelihood of conclusion of trial in the near future.

It is not in dispute that owner of the truck namely Angrej Singh has been granted anticipatory bail by the High Court vide order dated 20.02.2020 passed in CRM-M No.46905 of 2017.

The aforesaid factual position could not be disputed by learned State counsel on instructions from the Investigating Officer.

Keeping in view the period of incarceration and in view

of the situation arising out due to pandemic COVID-19 and without adverting to the merits of the case, I deem it appropriate to enlarge the petitioner on regular bail.

In view of above, petition is allowed. Petitioner is ordered to be released on bail, subject to his 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.

August 14, 2020	(RAJ MOHAN SINGH)
<i>Atik</i>	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No