

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

(Sr. No. 218)

CRM-M No. 930 of 2021

Date of decision : 02.09.2021

Rinkal Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. Monty Goyal, Advocate for the petitioner.

Mr. Jagmohan S. Ghumman, DAG, Punjab.

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DEEPAK SIBAL, J. (Oral)

The matter has been taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.100 dated 11.07.2020 registered under Section 20/25/61/85 of the the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short – the NDPS Act) at Police Station City-2 Khanna, district Ludhiana.

Briefly stated, the petitioner is being prosecuted for having been found in illegal possession of 45 kilogram Ganja.

Learned counsel for the petitioner contends that the petitioner who is 30 year old young man has been falsely implicated in this case; he has no criminal antecedents; he is in custody since 11.07.2020; report under Section 173 Cr.P.C. has already been filed and that since none of the prosecution witnesses has been examined so far the petitioner's trial would

take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that the petitioner has been found to be in illegal possession of 45 kilogram Ganja and that if released on bail he may indulge in similar offences.

The petitioner is a young man aged 30 years; he has no criminal antecedents; he is in custody since 11.07.2020; investigation in the case is complete and that since none of the 16 prosecution witnesses have been examined so far, the petitioner's trial is likely to take a long time to conclude especially in the present circumstances when the world is facing the COVID-19 pandemic.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Ludhiana the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

02.09.2021

sunil yadav

**(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No