

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

CRM-M-5084-2021 (O&M)
Date of decision: 27.09.2021

Kewal Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. G.S. Sandhu, Advocate for the petitioner.

Mr. Avtar Singh Sandhu, Addl. AG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

The short reply by way of affidavit dated 21.09.2021 of the Deputy Superintendent of Police, Sub-Division Kotkapura, District Faridkot, already filed in the Registry, is taken on record.

The petitioner has filed this second petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 172 dated 21.08.2020, registered under Section 22 of the NDPS Act, 1985, at Police Station City Kotkapura, District Faridkot.

Learned counsel for the petitioner states that the petitioner has falsely been implicated in the present case. The alleged recovery of 2000 intoxicated tablets was effected from a plastic bag which was lying between the petitioner and co-accused, while they were travelling on the motor-cycle and the petitioner was only a pillion rider. There is no other case under

NDPS case registered or pending against the petitioner. The petitioner has been in custody since 21.08.2020.

Learned State counsel, while vehemently opposing the prayer for bail submits that as the recovered contraband falls under the commercial quantity, therefore, the petitioner is not entitled to the concession of bail. He however, does not dispute the custody period of the petitioner and that there is no other case under NDPS Act against the petitioner. He submits that the prosecution witnesses are yet to be examined.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 21.08.2020. The prosecution witnesses are yet to be examined. The trial will take time to conclude, especially due to prevailing situation of Covid-19. Thus, 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 petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

27.09.2021

Mangal Singh

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No