

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

Sr. No.226

CRM-M-5321-2021

Date of decision: 25.08.2021

Kuldeep Singh @ Kaka

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. R.K. Girdhar, Advocate
for the petitioner.

Mr. Jagmohan Singh 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.0129 dated 23.10.2020, registered under Section 22(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, the 'NDPS Act') at Police Station Sadar Bariwala, District Sri Muktsar Sahib.

The petitioner is being prosecuted for having been found to be in illegal possession of 1250 tablets containing Tramadol Hydrochloride.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case; the petitioner has been in custody since 23.10.2020; the petitioner has no criminal antecedents; investigation in the case is complete and therefore, the petitioner is not in a position to influence the same and that the petitioner's trial in which 20 prosecution witnesses still remain to be examined, is likely to 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 in illegal possession of 1250 of tablets containing Tramadol Hydrochloride and that if he is granted bail he may indulge in similar offences.

The petitioner has been in custody since 23.10.2020; the petitioner has no criminal antecedents; the investigation in this case is complete and therefore, he is not in a position to influence the same; since in the petitioner's trial there are only official witnesses, the likelihood of the petitioner influencing them is minimal and that the petitioner's trial in which 20 prosecution witnesses still remain to be examined 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, Sri Muktsar Sahib, 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.

August 25, 2021
Jyoti 1

(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No