

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

116/2

CRM-M-28986-2021.

Date of Decision: 24.09.2021.

Karnail Singh @ Killi

....Petitioner.

Versus

State of Punjab

....Respondent.

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. Lakhwinder Singh Mann, Advocate for petitioner.

Mr. Mehardeep Singh, Additional Advocate General, Punjab.

Lalit Batra, J.(Oral)

Case has been taken up for hearing through Video Conferencing.

This petition under Section 439 Cr.P.C has been moved by petitioner-**Karnail Singh @ Killi** for grant of regular bail in case FIR No.25 dated 11.03.2021 under Sections 22(c) and 29 of NDPS Act, registered at Police Station Mehatpur, District Jalandhar Rural.

Learned counsel for the petitioner *inter alia* contends that allegations levelled in the FIR are totally concocted, false and frivolous and there is no iota of truth therein. He further submits that petitioner was not named in the FIR. He further urges that allegedly 1100 loose intoxicant tablets were recovered from co-accused Swaran Kaur. He further urges that petitioner has been arrayed as accused merely on the disclosure statement of

co-accused Swaran Kaur on the allegations that above said contraband was supplied to her by co-accused Gurmail Singh @ Happy and that too after purchasing the same from the present petitioner. He further urges that since allegedly recovery of contraband was effected from co-accused Swaran Kaur, no conscious possession of said contraband can be attributed to petitioner and, thus, rigours of provisions of Section 37 of NDPS Act cannot be attracted against the petitioner. He further urges that co-accused Gurmail Singh @ Happy has already been extended concession of pre-arrest bail by this Court, vide order dated 05.08.2021 passed in CRM-M-24762-2021. He further submits that petitioner is languishing in custody since 11.03.2021 and he is no more required by the Investigating Agency for any investigation purpose as after completion of investigation, final report under Section 173 Cr.P.C. (*Challan*) has already been presented in Court. He further submits that since trial of the case would take sufficient time to conclude, no useful purpose would be served by keeping the petitioner in custody further and he may be released on bail.

On the other hand, learned State counsel while opposing instant petition has vehemently argued that keeping in view seriousness of offence, petitioner does not deserve the concession of bail.

I have heard learned counsel for the parties and carefully gone through the record of the case.

At this stage, without commenting anything on the merits of the case lest it may prejudice the outcome of the trial but taking into consideration the fact that petitioner is languishing in custody since 11.03.2021; that petitioner is no more required by the Investigating Agency

for investigation purpose as after completion of investigation final report under Section 173 Cr.P.C. (*Challan*) has already been presented in Court and since trial of the case would take sufficient time to conclude, no useful purpose would be served by detaining the petitioner in custody further, thus, he deserves the concession of bail.

In view of above, instant petition for grant of regular bail moved by petitioner-**Karail Singh @ Killi** is allowed and he is ordered to be released on bail on his furnishing personal/surety bonds to the satisfaction of Trial Court/Chief Judicial Magistrate/Duty Magistrate, Jalandhar, as the case may be.

(LALIT BATRA)
JUDGE

24.09.2021
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Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No