

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

**220+109**

**CRM-M No.31509 of 2020(O&M)  
Date of decision :02.09.2021**

Kabal Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

**CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL**

**Present:** Mr. Gurpal Singh Sandhu, Advocate for the petitioner.  
Mr. Avtar Singh Sandhu, Addl.A.G., Punjab.

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**HARNARESH SINGH GILL, J.**

Case is taken up for hearing through video conferencing.

**CRM-9132-2021**

Prayer in the application is for preponing the date of hearing in the main case.

Since the main case is already listed today itself, the present application is disposed of having been rendered infructuous.

**CRM-22725-2021**

Prayer in the application is for preponing the date of hearing in the main case.

Since the main case is already listed today itself, the present application is disposed of having been rendered infructuous.

**CRM-M No.31509 of 2020**

Prayer in this petition is for grant of regular bail in case FIR No. 148 dated 03.08.2020 registered under Section 22 of NDPS Act, 1985 at Police Station Kabarwala, District Sri Muktsar Sahib.

Learned counsel for the petitioner states that the petitioner was alleged to be pillion rider and the recovery has been effected from the handle of the motorcycle. Though the alleged recovery effected is of commercial quantity, but the petitioner is in custody from the last more than one year. The petitioner is not involved in any other case under the NDPS Act. Therefore, the petitioner may be ordered to be released on regular bail.

On the other hand, learned State Counsel has submitted that the petitioner is accused of having committed serious offences by keeping commercial quantity of the contraband in his conscious possession. The charges have been framed and the petitioner does not deserve the concession of regular bail.

I have heard the learned counsel for the parties.

The alleged recovery has been effected from the handle of the motorcycle whereas the petitioner was a pillion rider. The petitioner has been in custody since 03.08.2020. The petitioner is not involved in any other case under the NDPS Act. The prosecution witness is yet to be examined. Therefore, no useful purpose would be served by keeping the petitioner behind the bars. Further, keeping in view the prevailing situation of Covid-19 pandemic, the trial is unlikely to conclude any time soon.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

**02.09.2021**

**(HARNARESH SINGH GILL)**  
**JUDGE**