

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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**CRM-M No.38207 of 2020
Date of decision:29.01.2021**

Kanwalpreet Singh @ Kanwal

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Umesh Aggarwal, Advocate for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab.

SUVIR SEHGAL J. (ORAL)

The Court has been convened through video conferencing due to Covid-19 pandemic.

Petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.73, dated 18.05.2020 registered under Sections 18/29 of NDPS Act, 1985, (Sections 25 and 27-A of NDPS Act, 1985, added later on) at Police Station 'C' Division Amritsar.

Counsel for the petitioner has argued that the petitioner was a pillion rider on the Aactiva scooter when he was apprehended and recovery of 1 kg of opium was effected from him. Counsel contends that the recovery effected is of an intermediate quantity and the petitioner has clean antecedents. He has placed reliance on order dated 28.08.2020 passed by this Court in CRM-M-16288-2020, Annexure P-2, whereby co-accused Rajvinder Singh @ Raju was granted the concession of regular bail. Counsel submits that the case of the petitioner is on a better footing than the co-accused as the recovery effected from the co-accused was 1 kg of opium and Rs.3.75 lac of drug money. He submits that since the trial is likely to take time and charges are yet to be framed, petitioner deserves to be released on bail.

Per contra, learned State counsel upon instructions from ASI Harnek Singh, has opposed the petition. He has submitted that the challan was filed on 07.08.2020 and the charges are yet to be framed. He has instructions to state that 10 witnesses have been named in the challan. He has filed custody certificate dated 29.01.2021, which is taken on record. On the basis of custody certificate, he could not dispute the clean past of the petitioner.

I have considered the rival submissions of the parties.

Considering the above facts and circumstances, the nature of allegations, gravity of offence, the fact that the co-accused has been granted regular bail by this Court vide order dated 28.08.2020, Annexure P-2, and also the fact that trial is likely to take time to conclude, no purpose would be served by keeping the petitioner behind the bars any further.

Without commenting anything on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

29.01.2021
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(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No