

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

220

CRM-M-43087-2022
Date of decision : 12.01.2023

Kabir Singh @ Kaka

Petitioner

V/S

State of Punjab

Respondent

CORAM : HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr. B.S. Aulakh, Advocate
for the petitioner.

Mr. Jaspal Singh Guru, Asstt. A.G., Punjab
for the respondent-State.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.167 dated 09.07.2022 registered under Sections 15, 21 and 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act') at Police Station City Sri Muktsar Sahib, District Sri Muktsar Sahib.

Brief facts of the case are that the above-said FIR has been registered on the basis of secret information received against the petitioner and his co-accused that they are smugglers and if raid be conducted, then poppy husk, heroin and intoxicant tablets in huge quantity can be recovered. Treating the information reliable, Ruqa was sent and FIR was registered against accused persons.

Learned Counsel for the petitioner has argued that the

petitioner has been falsely implicated in the present case. The petitioner has nothing to do with the alleged recovery. Nothing has been recovered from the conscious possession of the petitioner. Co-accused Sukhdev Singh @ Sukha, Charanjeet Kaur @ Kochi and Amarjeet Kaur had already been granted concession of regular bail by this Court vide orders dated 01.09.2022, 02.09.2022 and 02.09.2022 respectively. The petitioner is in custody since 09.07.2022. Challan has been presented in the trial Court and charges are yet to be framed. Trial is likely to take time and no purpose will be served by keeping the petitioner in custody. Therefore, the petitioner may be ordered to be released on regular bail.

On the other hand, learned State Counsel has opposed the present petition on the ground that in the present case there is total joint recovery of 45 grams of intoxicant powder, 1691 tablets of Alprazolam, 144 tablets of Clobedol and total 03 kgs. of poppy husk. However, learned State counsel conceded the fact that nothing has been recovered from the conscious possession of the petitioner.

Custody certificate dated 10.01.2023 has been filed by learned State counsel in the Court today which is taken on record. As per the custody certificate, the petitioner is in custody from the last more than 5 months.

I have heard learned counsel for the parties and gone through the paper-book.

Keeping in view the facts and circumstances of the case, parity with co-accused Sukhdev Singh @ Sukha, Charanjeet Kaur @ Kochi and Amarjeet Kaur who had already been granted concession of regular bail by this Court vide orders dated 01.09.2022, 02.09.2022 and

02.09.2022 respectively and the fact that the trial is likely to take long time but without commenting on the merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Accordingly, the present petition is allowed and petitioner-Kabir Singh @ Kaka is ordered to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

State will be at liberty to file application for cancellation of petitioner's bail, if he is found involved in any other case under the NDPS Act during the period of bail.

12.01.2023

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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No