

CRM-M-58984-2022

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

CRM-M-58984-2022

Date of decision: 20.07.2023

Kapil Kumar @ Vinayak

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. S.P.S.Khera, Advocate,
for the petitioner.

Mr. Gurdarshan Singh Sidhu, AAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

1. Through this second petition, the petitioner seeks regular bail in case FIR No.08 dated 12.02.2019, registered at Police Station City Banga, District SBS Nagar, under Sections 22 and 29 (added later on) NDPS Act, 1985.

2. Learned counsel for the petitioner contends that the petitioner has falsely been implicated in the present case; that no contraband had been recovered from the petitioner; that the petitioner has been indicted on the disclosure statement of co-accused, Sukhdev Verma from whom recovery had been effected; that the aforesaid co-accused has since been granted the concession of regular bail by this Court, vide order dated 07.01.2021, and that there is no other case registered or pending against the petitioner, at least of a similar nature.

3. Learned counsel for the petitioner further contends that the petitioner has been in custody since 26.07.2022; that out of 16 prosecution

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witnesses, only 07 witnesses have been examined; that at one stage, the petitioner was declared a proclaimed offender on 06.06.2019, following which FIR No.18 dated 25.02.2020, under Section 174-A IPC had been registered against him, and that the petitioner had already undergone the sentence awarded in the said FIR.

4. On the other hand, learned State counsel, while opposing the grant of bail to the petitioner, submits that recovery effected in the present case, falls under the commercial quantity, and that material prosecution witnesses are yet to be examined. It is further submitted that the petitioner absented himself from the court proceedings and ultimately, was declared proclaimed offender on 06.06.2019. It is further submitted that the petitioner evaded the process of law for more than three years and was arrested in 2022 and that material prosecution witnesses are yet to be examined.

5. I have heard the learned counsel for the parties.

6. No contraband had been recovered from the petitioner. The petitioner was indicted on the disclosure statement of co-accused, Sukhdev Verma from whom recovery had been effected. Moreover, the aforesaid co-accused has since been granted the concession of regular bail by this Court, vide order dated 07.01.2021. Furthermore, there is no other case registered or pending against the petitioner, at least of a similar nature.

7. The petitioner has been in custody since 26.07.2022. The prosecution witnesses are yet to be examined. Trial is unlikely to conclude any time soon. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

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8. 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.

20.07.2023
parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No