

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

206**CRM-M-225-2020****Date of decision: 05.11.2020****Manjit Singh****.....Petitioner****versus****State of Punjab****....Respondent****CORAM: Hon'ble Mr. Justice Girish Agnihotri****Present:** Mr. Rishu Mahajan, Advocate for the petitioner.**Mr. Saurav Khurana, DAG, Punjab.***(the aforesaid presence is being recorded through video conferencing since the proceedings are being conducted in Virtual Court).*

GIRISH AGNIHOTRI, J. (Oral)

The matter has been taken up through video conferencing on account of restrictions due to outbreak of COVID-19 pandemic.

Petitioner – Manjit Singh, stated to be aged 32 years, has filed the present petition under Section 439 CrPC *inter alia* praying for grant of regular bail in case FIR No.171 dated 17.09.2015 under Sections 22 of NDPS Act and Sections 379/411 IPC, registered at Police Station E Division, District Amritsar City.

Learned counsel for the petitioner, based on pleadings submits that in fact the allegation in the FIR is that 260 grams of Lorazepam powder was recovered, which is slightly higher than commercial quantity of 250 grams. Learned counsel further submits that the present case is of the year 2015. He, however, submits that the petitioner was arrested on 18.09.2015 but when he failed to surrender, he was again arrested on 31.07.2019.

Learned counsel then submits that the petitioner is thus been in custody for more than one year and three months.

Learned State counsel, on instructions from ASI Karam Singh, submits that in fact there are four other FIRs against the petitioner. He further submits that the petitioner was declared proclaimed offender on 18.10.2016. He submits that after completion of investigation, the case is under trial. There are total of 14 witnesses, but only 4 witnesses have been examined till date.

Faced with the situation, learned counsel for the petitioner submits that from the perusal of the custody certificate it would be evident that the petitioner cannot be said to have allegedly misused the concession of interim bail. He submits that as far as FIR No.60 dated 23.07.2019 is concerned, it is regarding declaring the petitioner proclaimed offender in the present case. Learned counsel, however, submits that the FIR No.77 dated 13.08.2015 was allegedly under NDPS Act, for a non-commercial quantity but no recovery was actually made from the petitioner. He submits that FIR No.166 dated 15.09.2015 was *inter alia* registered under Section 379 IPC, wherein the petitioner is on bail. Learned counsel also submits that in the aforementioned FIRs the petitioner is on bail and challan has not been even presented. Learned counsel for the petitioner thereafter submits that due to the present COVID-19 situation, detention of the petitioner in jail is dangerous to his life, therefore, petitioner may be granted concession of regular bail.

In view of the peculiar facts as noticed above, considering the existing situation due to COVID-19 and the fact that trial is likely to take

some time, this Court deems it appropriate to direct the release of the petitioner on regular bail subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the Duty Magistrate/trial court concerned.

However, it is made clear that anything observed herein shall not be construed as an expression on merits of the case.

(GIRISH AGNIHOTRI)
JUDGE

05.11.2020

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No