

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

205 - CRM-M-2332-2020 (O&M)

Date of Decision: 08.10.2020

Amarjit Singh @ Amar

... Petitioner

VS.

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE GIRISH AGNIHOTRI

Present: Mr. Sunny Saggar, Advocate for the petitioner

Ms. Rashmi Attri, AAG, Punjab

GIRISH AGNIHOTRI, J. (Oral)

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

The petitioner Amarjit Singh @ Amar aged 29 years has filed the present petition *inter alia* with a prayer for grant of regular bail in case FIR No.37 dated 27.04.2019 under Section 21 of the NDPS Act, 1985 registered at PS Jhabhal, District Tarn Taran.

Learned counsel for the petitioner based upon the pleadings in the petition, submits that in fact a perusal of the FIR would show that the allegation is that recovery of 30 gms of heroin was lying on the road and the petitioner was walking away. He submits that thereafter there is another recovery of 330 gms of heroin. He submits that the petitioner is in fact never ever involved in any criminal case. He has been either falsely implicated for the reasons best known to the police authorities or has been implicated on account of mistaken identity. He submits that the recovery is slightly above the commercial quantity which is 250 gms.

Learned State counsel, on instructions from ASI Harpal Singh, submits that the stage of the case trial is that 01 out of 14 witnesses have been

examined till date and charges have been framed on 04.01.2020. Learned State counsel submits that though there is no other FIR against the petitioner, however, she opposes the bail application on merits but is not able to dispute the above-mentioned factual position.

Counsel submits that due to the present COVID-19 situation, detention of the petitioner in jail would be dangerous to his life and also keeping in view the fact that trial is likely to take some time, the petitioner may be granted concession of regular bail.

In view of the facts noticed above, the present situation due to COVID-19 and the fact that trial is likely to take some time, this Court deems it appropriate to direct release of the petitioner on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned, subject to his furnishing bail bonds/surety bonds.

It is also made clear that in case the petitioner is subsequently found involved in any other case from today, the prosecution is at liberty to move an application for cancellation of bail.

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

The petition stands disposed of accordingly.

08.10.2020

vishal shonkar

1. Whether speaking/reasoned?

2. Whether reportable?

**(Girish Agnihotri)
Judge**

Yes/No

Yes/No