

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

205

CRM-M-4347-2020

Date of decision: 18.08.2020

Munish Kumar

.....Petitioner

versus

State of Punjab

....Respondent

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. J.S. Thakur, Advocate for the petitioner.

Mr. H.S. Sullar, DAG, Punjab.

GIRISH AGNIHOTRI, J. (Oral)

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

Petitioner-Munish Kumar, stated to be aged 35 years, has filed the present petition under Section 439 Cr.P.C. *inter alia* with a prayer for grant of regular bail in case FIR No.126 dated 04.10.2019, registered under Section 22 of NDPS Act, at Police Station Basti Bawa Khel, District Jalandhar Commissionerate.

Learned counsel for the petitioner submits that the petitioner was arrested on 04.10.2019 and is in custody since then. He then submits that in CRM-M-16736-2020, this Court had granted regular bail to the co-accused/Om Parkash @ Sonu @ Aalu, vide order dated 15.07.2020. Counsel further submits that even on merits, he has a good case as rather than sending the entire quantity for examination, only seven tablets were sent to the Forensic

Science Laboratory.

On instructions from the police official, learned State counsel submits that there are total of 09 witnesses, but, none has been examined till date. He further submits that two more cases under NDPS Act, are pending against the petitioner.

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

In view of the peculiar facts noticed above and the present situation due to COVID-19, 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/ heavy surety bonds***. It is also made clear that if the petitioner is found involved in any subsequent case, the prosecution is free to apply for cancellation of bail and the petitioner will not be able to claim the benefit of regular 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.

(GIRISH AGNIHOTRI)
JUDGE

18.08.2020
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Whether speaking/ reasoned:	Yes/No
Whether Reportable:	Yes/No