

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

204

CRM-M-3824-2020

Date of decision: 18.08.2020

Bhagat Singh @ Bablu

.....Petitioner

versus

State of Punjab

....Respondent

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. Saurav Bhatia, 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-Bhagat Singh @ Bablu, stated to be aged 28 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.85 dated 09.06.2019, registered under Section 22 of NDPS Act, at Police Station Lalru, District SAS Nagar (Mohali).

Learned counsel for the petitioner submits that a perusal of the FIR would show that a search was conducted for the vehicles coming from Ambala side. During the search operation, a bus of Haryana Roadways was seen coming from Ambala side, in which, the petitioner was allegedly travelling along with alleged recovery. Learned counsel then submits that inspite of the fact that it was Haryana Roadways bus, the driver and conductor have not joined as witnesses. He further submits that the petitioner has not been

involved in any other case and is behind bars for last more than one year i.e. 09.06.2019.

On instructions from SI Rajinder Singh, learned State counsel submits that there are total of 13 witnesses and out of them, till now, 03 have been examined. It is also not disputed that the petitioner is not involved in any other case.

Faced with the situation, learned counsel for the petitioner submits that in fact, the three witnesses, who have already been examined, have also not been completely examined as their cross-examination is yet to be conducted. He further 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/surety bonds. 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