

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

209

CRM-M-5480-2020 (O&M)
Date of decision: 05.11.2020

Gurmeet Singh @ Mitta

.....Petitioner

versus

State of Punjab

....Respondent

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. D.S. Virk, 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 – Gurmeet Singh @ Mitta, stated to be aged 49 years, has filed the present petition under Section 439 CrPC *inter alia* praying for grant of regular bail in case FIR No.373 dated 12.12.2004 under Sections 15 & 61 of NDPS Act, 1985, registered at Police Station Sadar Samana, District Patiala.

Learned counsel for the petitioner submits that the FIR is of the year 2004. The petitioner, prior to this, was allegedly involved in FIR No.163 dated 22.05.2002 *inter alia* under Section 61(1) (a) of Punjab Excise Act, 1914. Learned counsel further submits that on every date since 2002, the petitioner used to be produced by the police officials of the same police station before the Court in FIR of 2002 but they neither informed the

petitioner nor produced him in the present FIR. Accordingly, the petitioner was under these peculiar circumstances declared proclaimed offender. He further submits that in the FIR of 2002, the petitioner was sentenced for 1 year but the Appellate Court reduced the punishment for only fine. Learned counsel then submits that the petitioner in the present FIR was arrested on 12.05.2019.

Learned State counsel, on instructions from SI Sahib Singh, submits that the investigation is complete. Challan in this case was presented and charges were framed. There are total of 8 witnesses, but none has been examined till date. He further submits that the petitioner is not involved in any other case. He then submits that in the present case, the alleged recovery of 315 kgs of poppy husk which is 50 kgs above the commercial quantity of the poppy husk.

Faced with the situation, learned counsel for the petitioner submits that the petitioner is in custody since May 2019 and is completed almost 1 ½ years of custody. Learned counsel then 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 **heavy 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