

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

204

CRM-M-6900-2020 (O&M)

Date of decision: 11.09.2020

Jasmail Singh @ Jassa

.....Petitioner

versus

State of Punjab

....Respondent

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. Monty Goyal, 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 restrictions due to outbreak of pandemic COVID-19.

CRM-20038-2020

The present application has been filed for preponing the date in the main case to an early date.

As the main case is fixed for today i.e. 11.09.2020, the application for preponement has become infructuous.

Accordingly, the application is disposed of as having become infructuous.

Main case

Petitioner-Jasmail Singh @Jassa, stated to be aged 32 years, has filed the present petition *inter alia* with a prayer for grant of regular bail in case FIR No.239 dated 02.12.2019, under Section 21/25 of NDPS Act, 1985, registered at Police Station Sidhwan Bet, District Ludhiana (Rural).

Learned counsel for the petitioner based on pleadings, submits that the petitioner has been falsely involved in the present case. He submits that the alleged recovery is of 25 grams of heroin along with 144 strips of tramadol tablets (total of 1152 tablets). He further submits that this was on alleged secret information and also submits that there was violation of statutory provisions of the NDPS Act *inter alia* Section 50 of NDPS Act etc.

Learned State counsel, on instructions from SI Hardeep Singh, submits that in fact the petitioner is involved in 7 other cases. Out of them, 5 were under NDPS Act. She further submits that the investigation is complete and challan was presented on 14.05.2020. There are total of 12 witnesses but none has been examined till date.

Faced with the situation, learned counsel for the petitioner submits that the petitioner is a young man of 32 years of age. He further submits that in the earlier 5 cases of NDPS Act, the alleged recovery was non-commercial. He further submits that the petitioner has undergone the sentence in two of those cases. He, however, submits that the petitioner, in fact, is not the carrier of drugs but he may himself used the drugs, as is evident from the alleged recovery of non-commercial quantity. He has instructions from the petitioner and his family member, to submit that the petitioner would give an undertaking that he will not involve himself (after today) in any case under NDPS Act. He further submits that the petitioner would deposit property papers or bank gaurantee/FDR worth Rs.10 lacs (in his own name or any of his relative) as security with the Duty Magistrate/Illaqa Magistrate, with an undertaking that in case, he is found

involved and found guilty in any subsequent case, the said amount/property can be forfeited and deposited in the Government Treasury.

In view of the peculiar facts noticed above and the present situation due to COVID-19 and also 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. However, it is made clear that anything observed herein shall not be construed as an expression on merits of the case.

In addition to the above bail/surety bonds, in pursuance to the offer made by counsel for the petitioner, the petitioner would deposit property papers/bank guarantee/FDR worth Rs.10 lacs (in his own name or any of his relative) as security to the trial Court. The petitioner would also give an undertaking that in case, he is found involved and found guilty in any subsequent case, the said amount/property shall be forfeited and deposited in the Government Treasury. The above said amount/property shall be without prejudice to the defence of the petitioner before the trial Court.

Accordingly, the present petition stands disposed of.

(GIRISH AGNIHOTRI)
JUDGE

11.09.2020

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