

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

206

CRM-M-13219-2020

Date of decision: 08.07.2020

Shamshad Ahmad

.....Petitioner

versus

State of Haryana

....Respondent

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. Johan Kumar, Advocate for the petitioner.

Mr. Deepak Bhardwaj, DAG, Haryana.

GIRISH AGNIHOTRI, J. (Oral)

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

Petitioner-Shamshad Ahmad who is stated to be aged 48 years, has filed the present petition *inter alia* praying for grant of regular bail in case FIR No.359 dated 26.11.2019, under Section 21/29 of Narcotic Drugs and Psychotropic Substances Act, 1985 and Section 18 (c) of Drugs & Cosmetics Act, 1940, registered at Police Station Parao, Ambala, District Ambala.

Learned counsel for the petitioner based on pleadings, submits that no recovery was effected of any kind of narcotics drugs from the medical shop of the petitioner. Learned counsel further submits that the petitioner has been arrested on the alleged disclosure statements made by accused Balbir Singh and Baldev Singh. Learned counsel, however, submits that two co-accused, namely, Balbir Singh and Baldev Singh were allegedly

stated to be in conscious possession of the narcotic drugs. He then submits that no bill of the purchase of the above said drugs from the shop of the petitioner was ever recovered. Learned counsel relies on order in CRM-M-478 of 2020 titled as 'Amit Jain Vs. State of Haryana' decided on 16.06.2020, passed by this Court.

Learned State counsel, however, submits that a huge quantity of drugs have been recovered. Based on the pleadings, *inter alia*, in the status report filed by way of affidavit of Sh. Ram Kumar, HPS, Deputy Superintendent of Police, Ambala Cantt, it is submitted that on interrogation, the accused persons in their disclosure statements disclosed that the recovered capsules and tablets were purchased by them from a medical store at Jhinhana, District Shamli, Uttar Pradesh.

Faced with this situation, learned counsel for the petitioner submits that the petitioner was arrested on 27.11.2019. Investigation in this case is complete. Challan has been presented on 18.04.2020. He, however, submits that there are total 21 witnesses but no witness has been examined till date. Learned counsel then submits that due to the present COVID-19 situation and also the fact that trial is likely to take some time, detention of the petitioner in jail is dangerous to his life, therefore, petitioner is entitled for 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 to the satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned, subject to his furnishing **heavy 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

08.07.2020

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