

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CRM-M No.13716 of 2020 (O&M)
DECIDED ON : 03.07.2020**

Mukand Khan

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE GIRISH AGNIHOTRI.

Present:- Mr. Yashpal Thakur, Advocate, for the petitioner.

GIRISH AGNIHOTRI, J. (ORAL)

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

The petitioner-Mukand Khan, stated to be aged 48 years has filed the present petition inter alia with a prayer to grant him regular bail in case FIR No.160 dated 04.08.2019, under Section 15 (Section 29 subsequently added) of NDPS Act 1985, P.S. Mandi Gobindgarh, Tehsil and District Fatehgarh Sahib, Punjab.

Learned counsel for the petitioner based on the pleadings submits that the petitioner was arrested in some other case on 06.08.2019. By making reference to para 3 of the petition learned counsel submits that the Police officials were inimical towards the petitioner and that is why he has been falsely involved in the present case. Learned counsel then submits that the petitioner was not named in the FIR and he was later named. Learned counsel, however, goes on to submit that his brother, namely, Jagga Khan has already been granted the concession of anticipatory bail by this Court on 14.02.2020 in *CRM-M No.44613 of 2019* (Annexure P-2). 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.

Notice of motion.

On the asking of Court, Mr. Amit Mehta, Sr. DAG, Punjab, accepts notice on behalf of respondent-State.

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 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 case the petitioner is subsequently found involved in any subsequent criminal case, the State is at liberty to move an application for cancellation of bail.

The petition stands disposed of accordingly.

(GIRISH AGNIHOTRI)
JUDGE

03.07.2020

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Whether speaking/reasoned : YES/NO
Whether reportable : YES/NO