

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

203

CRM-M-14137-2020

Date of decision: 06.10.2020

Lawar Singh @ Bachi

.....Petitioner

versus

State of Punjab

....Respondent

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. Manvinder Sidhu, Advocate,
for the petitioner.

Mr. P.S. Walia, Asstt. A.G., 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-Lawar Singh @ Bachi, stated to be aged 42 years, has filed the present petition *inter alia* praying for grant of regular bail in case FIR No.0147 dated 26.10.2001, under Section 15 of the NDPS Act No.61 of 1985, registered at Police Station Talwandi Sabo, District Bathinda.

Learned counsel for the petitioner submits that the FIR is of the year 2001. Learned counsel further submits that the petitioner is not involved in any other case of NDPS Act except the present FIR. He then submits that when the petitioner was initially arrested and after that he was granted bail on 06.10.2003. Thereafter, he continuously appearing before the trial Court. However, on account of his absence on 30.08.2009, he was

declared proclaimed offender on 17.02.2007 and has been arrested on 05.04.2019. Since, then the petitioner has been in custody. In the meantime, vide judgment dated 21.08.2008, the other three co-accused were acquitted and one co-accused was declared innocent.

Learned State counsel, on instructions from SI Sukhjinder Singh, submits that after the arrest of the petitioner, supplementary challan has been presented on 10.10.2019. There are total of 12 witnesses but only 01 witness has been examined till date. Learned State counsel further submits that there are eight other cases in which the petitioner is involved, but out of which, only one case is under NDPS Act.

Faced with the situation, learned counsel for the petitioner submits that he has instructions from the petitioner and his family members that they would submit the original papers of the property worth Rs.10 lacs (which is in the name of the relative/family members of the petitioner) with an undertaking that they would neither alienate the said property nor create any incumbrance on the same, till further orders of the trial Court. The petitioner would also give an undertaking that he would not involve himself in any other case after the present case and in case he is found involved and found guilty in any other subsequent case (today onwards), the above said property can be confiscated and the amount so realized be forfeited in the Government Treasury.

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 time, this Court deems it appropriate to release 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 bail/surety bonds, in pursuance to the offer made by counsel for the petitioner, the petitioner would submit the original papers of the property worth Rs.10 lacs (which is in the name of the relative/family members of the petitioner) with an undertaking that they would neither alienate the said property nor create any incumbrance on the same, till further orders of the trial Court. The petitioner would also give an undertaking that he would not involve himself in any other case after the present case and in case, he is found involved and found guilty in any other subsequent case (today onwards), the above said property shall be confiscated and the amount so realized be forfeited in the Government Treasury. The same shall be without prejudice to defence of the petitioner before the trial Court.

The petition stands disposed of accordingly.

(GIRISH AGNIHOTRI)
JUDGE

06.10.2020

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