

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

213

CRM-M-14184-2020 (O&M)

Date of decision: 05.11.2020

Sonu Kumar

.....Petitioner

versus

State of Punjab

....Respondent

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. B.K. Mehta, 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 – Sonu Kumar, stated to be aged 20 years, has filed the present petition under Section 439 CrPC *inter alia* praying for grant of regular bail in case FIR No. 100 dated 07.10.2019 under Section 22 of NDPS Act, 1985 (Section 25 of NDPS Act was added later on), registered at Police Station Kathgarh, District SBS Nagar.

Learned counsel for the petitioner based on pleadings submits that the petitioner has got a good prima facie case on merits. He submits that the petitioner was arrested on 07.10.2019 and has completed more than one year of custody. Learned counsel further submits that the alleged recovery is of 72 injections of Leegesic 2 ml each and 72 vials of Avil 10/10 mls. He, however, submits that the injections above 10 in number would be commercial quantity.

Learned State counsel, on instructions submits that the petitioner is not involved in any other case. Challan in this case was presented on 24.01.2020. There are total of 12 witnesses, but only one witness has been examined.

Faced with the situation, learned counsel for the petitioner submits that the petitioner has completed more than one year of custody and is a young boy aged 20 years. He also submits that in the order dated 11.08.2020 passed by this Court, it was further recorded that in absence of batch number, all the 72 injections of leegestic were required to be forwarded to the Forensic Science Laboratory for analysis. 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 adequate 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