

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

204

CRM-M-14706-2020 (O&M)
Date of decision: 06.10.2020

Dal Singh @ Master

.....Petitioner

versus

State of Punjab

....Respondent

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. Jasdeep Singh, 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-Dal Singh @ Master, stated to be aged 67 years, has filed the present petition *inter alia* praying for grant of regular bail in case FIR No.67 dated 06.08.2019, under Section 22 Act No.61 of year 1985 of NDPS Act, registered at Police Station District Bathinda.

Learned counsel for the petitioner based on pleadings, submits that as per allegations in the FIR only 500 tablets of Clovidal 100-SR were recovered from the petitioner and the same falls under the non-commercial quantity. Learned counsel further submits that on merits, the petitioner has a good case, as the same were not actually found from his conscious possession. He then submits that on alleged disclosure statement, another 900 tablets of Clovidol 100-SR were allegedly recovered from the house of

the petitioner. Learned counsel, however submits that the petitioner has been in custody for more than one year but inspite this, out of 16 PWs, none has been examined.

Learned State counsel, on instructions from ASI Sohan Singh, submits that it is not disputed that out of 16 PWs, none has been examined till date. He further submits that it is also correct that there were two cases against the petitioner, out of which only one was under NDPS Act and in both cases, he stands acquitted. Learned State counsel, however, submits that on merits, the recovery was from the conscious possession of the petitioner and the same was a commercial quantity.

Faced with the situation, learned counsel for the petitioner submits that he has instructions from the petitioner and his family members, to submit that they are ready and willing to deposit bank gaurantee worth Rs.4 lacs before the Duty Magistrate/trial Court, with 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 bank gaurantee can 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 bank gaurantee worth Rs. 4 lacs with 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 bank gaurantee 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