

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

205

CRM-M-15541-2020

Date of decision: 04.09.2020

Sandeep Kumar @ Seepa**.....Petitioner****versus****State of Punjab****....Respondent****CORAM: Hon'ble Mr. Justice Girish Agnihotri**

Present: Mr. Yashpal Thakur, Advocate, for the petitioner.
Mr. Sukhbeer Singh, 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-Sandeep Kumar @ Seepa, stated to be aged 25 years, has filed the present petition *inter alia* praying for grant of regular bail in case FIR No.89 dated 12.11.2019, under Section 22 of NDPS Act, 1985, registered at Police Station Behram, District SBS Nagar, Punjab.

Learned counsel for the petitioner submits that the petitioner is a young boy of 25 years. Petitioner, as per the FIR, has been allegedly found in possession of intoxicants injections of Buprenorphine I.P each contents of 2ml and 40 vials of Avil. He submits that on merits, the petitioner has a good prima facie case to argue that in fact Avil does not fall under category of Psychotropic substance.

Learned State counsel submits that the petitioner was found with commercial quantity of intoxicant injections. He further submits that the petitioner is also involved in some other cases but he is on bail in the other

FIRs. He then submits that charges in this case were framed on 27.03.2020.

There are total of 10 witnesses but none has been examined till date.

Faced with the situation, learned counsel for the petitioner submits that the petitioner was arrested on 12.11.2019 and has already undergone nearly 10 months of custody. Learned counsel further submits that he has instructions to submit that considering the young age of the petitioner, if he is released on bail, he would be able to give surety of Rs.2 lacs of his father. He also 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 would be dangerous to his life.

In view of the peculiar facts as noticed above, considering the existing situation due to COVID 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, the trial Court may accept surety of Rs.2 lacs of father of the petitioner as offered by learned counsel for the petitioner. The same shall be without prejudice to defence of the petitioner before the trial Court.

The petition stands disposed of accordingly.

(GIRISH AGNIHOTRI)
JUDGE

04.09.2020

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