

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

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CRM-M-15839-2020

Date of decision: 03.07.2020

Gulab**.....Petitioner****versus****State of Haryana****....Respondent****CORAM: Hon'ble Mr. Justice Girish Agnihotri**

Present: Mr. Bijender Singh Dhankar, Advocate for the petitioner.
Mr. Sukhdeep Parmar, DAG, Haryana.

GIRISH AGNIHOTRI, J. (Oral)

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

Petitioner-Gulab who is stated to be aged 36 years, has filed the present petition *inter alia* praying for grant of regular bail in case FIR No.79 dated 22.03.2020, under Sections 15, 29 of the Narcotic Drugs & Psychotropic Substances Act, 1985 and Section 120B of IPC, registered at Police Station Sector 13-17, Panipat, District Panipat.

Learned counsel for the petitioner based on pleadings, submits that the petitioner was not named in the FIR. The alleged recovery is not from the conscious possession of the petitioner. As per the case of the prosecution, Gagan and Makhan were stated to be the Driver and Conductor of the vehicle. Gagan and Makhan had allegedly made a statement that one Bittu gave phone number of Dinesh and asked them to contact him. Dinesh when arrested, further named the petitioner (herein).

Learned State counsel submits that recovery in this case is commercial in nature and challan has been presented on 21.05.2020. It is however submitted that there is one more case against the petitioner.

Learned counsel for the petitioner, on the other hand, submits that in the other alleged case, the petitioner stands acquitted on 19.10.2019. He then submits that there are 15 witnesses. 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.

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. The petitioner is directed to get an FDR made in his own name for Rs.4 lacs for a period of two years and deposit the same with the Duty Magistrate/Trial Court. He would further give an undertaking that the same shall not be encashed till the further orders of the Court. However, it is made clear that anything observed herein shall not be construed as an expression on merits of the case.

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