

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-15834-2020 (O&M)

Date of Decision: 03.07.2020

Pawan Kumar Sangwan

... Petitioner

VS.

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE GIRISH AGNIHOTRI

Present: Mr. HS Dandiwal, 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 COVID-19 pandemic.

The petitioner Pawan Kumar Sangwan who is stated to be aged 35 years has filed the present petition *inter alia* with a prayer for grant of regular bail. He has been allegedly involved in case FIR No.257 dated 24.07.2019 under Sections 21-B/27-A/61/85 of NDPS Act, 1985 registered at PS Bhuna, District Fatehabad.

Learned counsel based upon the pleadings submits that in fact the petitioner was not named in the FIR. Even the alleged recovery was of non-commercial nature. Counsel submits that the petitioner was arrested on 28.02.2020 and challan was presented on 15.04.2020 but no charges have been framed till date. Counsel further submits that the co-accused Gurpreet Singh and Sandeep have already been granted bail.

Notice of motion.

On the asking, Mr. Sukhdeep Parmar, DAG, Haryana accepts notice through video conferencing.

Learned State counsel, however, submits that the challan has been presented on 15.04.2020 and the *pro forma* report from the concerned police station, includes FSL report as well. He further submits that the petitioner was earlier involved in 4 cases: in one of them he was acquitted and the details of other 3 cases have been mentioned in para 9 of the petition as well.

Faced with this situation, learned counsel for the petitioner submits that the petitioner is a young boy. Counsel, on oral instructions, specifically submits that the petitioner himself used to consume drugs and therefore he has been falsely implicated. He submits that petitioner's parents have given specific instructions to him to make a statement that the petitioner has stopped consuming drugs and therefore the petitioner be given one chance to restart his life in a better way. Counsel further submits that the petitioner undertakes not to involve himself in any other case especially NDPS case and in case he is later found involved, the prosecution may apply for cancellation of his bail.

Counsel then submits that due to COVID situation retention of the petitioner in jail is dangerous to his life and otherwise also the trial is likely to take some time.

In view of the above, this Court deems it appropriate to release the petitioner on regular bail subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the Duty Magistrate/trial court concerned.

It is also made clear that in case the petitioner is found involved in any other case or if the above averments are found to be incorrect, the prosecution shall be at liberty to apply for cancellation of bail.

However, it is made clear that anything observed herein shall not be construed to be an expression on merits of the case.

Disposed of.

03.07.2020

vishal shonkar

(Girish Agnihotri)
Judge

- 1. *Whether speaking/reasoned?*
- 2. *Whether reportable?*

Yes/No
Yes/No