

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-15829-2020 (O&M)

Date of Decision: 05.08.2020

Pankaj Kumar @ Mangal

... Petitioner

VS.

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE GIRISH AGNIHOTRI

Present: Mr. SS Grewal, Advocate for the petitioner

Mr. SS Deol, DAG Punjab

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 Pankaj Kumar @ Mangal who is stated to be aged 45 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.303 dated 21.11.2019 under Section 15 of NDPS Act registered at PS Moti Nagar, Ludhiana.

Learned counsel for the petitioner submits that the petitioner has never earlier been involved in any NDPS case. He submits that the FIR proceeds on the basis that there was a secret information. Counsel further submits that in spite thereof, the statutory compliances have not been made.

Notice of motion.

On the asking, Mr. SS Deol, DAG Punjab accepts notice through video conferencing.

Learned State counsel however, opposed the bail application and submits that there was a recovery of commercial quantity (70 kg) of poppy husk. On the asking, learned State counsel further submits that there is no other case of NDPS against the petitioner. He submits that challan in the

present case was presented on 17.05.2020 but no charges have been framed till date. There are a total of 14 witnesses and none have been examined till date.

Faced with this, learned counsel for the petitioner 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 heavy bail/surety bonds to the satisfaction of the Duty Magistrate/trial court concerned.

It is also made clear that in case the petitioner is subsequently found involved in any other NDPS case, the prosecution is free to move an application for cancellation.

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

Disposed of.

05.08.2020

vishal shonkar

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

(Girish Agnihotri)
Judge

Yes/No
Yes/No