

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

204

CRM-M-16579-2020

Date of decision: 03.11.2020

Paras Garg

.....Petitioner

versus

State of Punjab

....Respondent

CRM-M-53825-2019

Vishampal @ Vishampal Singh

.....Petitioner

versus

State of Punjab

....Respondent

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. Lovish Mittal, Advocate (in CRM-M-16579-2020) and
Mr. P.S. Sekhon, Advocate (in CRM-M-53825-2019)
for the petitioner(s).

Mr. P.S. Walia, Assistant AG, 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.

This order shall dispose of two petitions i.e. CRM-M-16579-2020 titled as Paras Garg vs. State of Punjab and CRM-M-53825-2019 titled as Vishampal @ Vishampal Singh vs. State of Punjab. For the sake of convenience, facts are taken from CRM-M-16579-2020.

Petitioners-Paras Garg (in CRM-M-16579-2020) and Vishampal @

Vishampal Singh (in CRM-M-53825-2019), have filed the present respective petitions *inter alia* with a prayer for grant of regular bail in case FIR No.204 dated 03.09.2019, registered under Section 22 of NDPS Act, at Police Station Raman, District Bathinda (Annexure P-1).

Vide order dated 13.07.2020, this Court while granting interim bail to the petitioner, passed the following order in CRM-M-16579-2020:-

“Petitioner-Paras Garg who is stated to be aged 19 years, has filed the present petition inter alia praying for grant of regular bail in case FIR No.204 dated 03.09.2019, under Section 22 of NDPS, registered at Police Station Raman, District Bathinda.

Learned counsel for the petitioner based on pleadings submits that the petitioner has been falsely implicated in the case. Learned counsel further submits that it is alleged in the FIR that the petitioner and coaccused tried to turn the scooter backwards and fell on unpaved path. It is also alleged that a plastic bag, which was in between the petitioner and coaccused fell and got ruptured and certain tablets and strips got scattered on the ground.

Notice of motion.

On the asking of the Court, Mr. Pawan Sharda, Sr. DAG, Punjab, accepts notice on behalf of respondent-State. Learned State counsel informs that recovery is of commercial nature. He further submits that the regular bail application i.e. CRM-M-53825-2019 filed by the co-accused is fixed for 05.08.2020.

Adjourned to 05.08.2020.

Faced with the situation, learned counsel for the petitioner makes a request to consider the case of the petitioner for grant of interim bail till then, by considering the fact that the petitioner is aged only 19 years. He also

submits that the petitioner is behind bars since 03.09.2019 and after the presentation of challan, out of 13 witnesses, only one has been examined till date.

In the meantime, accepting the request of petitioner's counsel, the petitioner is granted interim bail till 07.08.2020, to the satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned, subject to his furnishing heavy bail bonds/surety bonds.”

On 03.09.2020, CRM-M-16579-2020 was ordered to be listed along with CRM-M-53825-2019.

Today, on the resumed hearing of the case, learned State counsel as well as counsel for the petitioner(s) inform the Court that since July 2020 till date, there is no further progress in the case. It is submitted that only one witness had been examined till 13.07.2020 out of 13 witnesses and even today, the position remains the same.

It is further submitted by learned counsel for the petitioner(s) that recovery is marginally above the commercial quantity i.e. 268 grams of intoxicant tablets (Tramadol Hydrochloride), as the commercial quantity is 250 grams.

On instructions from SI Krishan Singh, learned State counsel submits that there is no other case in which the petitioner(s) are involved.

Learned counsel for the petitioner(s) further submit that in view of the COVID situation, detention of the petitioners in jail would be dangerous to their lives and also the fact that trial is likely to take some time, the petitioner(s) may be granted concession of regular bail.

In view of the peculiar facts noticed above and the present situation

due to COVID-19 and also the fact that trial is likely to take some time, this Court deems it appropriate to direct release of the petitioner(s) on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned, subject to their furnishing bail/surety bonds.

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

Accordingly, the present petitions stand disposed of.

(GIRISH AGNIHOTRI)
JUDGE

03.11.2020
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Whether speaking/ reasoned:	Yes/No
Whether Reportable:	Yes/No