

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

209

CRM-M-17805-2020

Date of decision: 23.07.2020

Varinder Singh

....Petitioner

versus

State of Punjab

....Respondent

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. Parshotam Lal Singla, Advocate for the petitioner.

Mr. Harbir Sandhu, AAG, Punjab.

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-Varinder Singh, stated to be aged 30 years, has filed the present petition inter alia with a prayer for grant of regular bail in case FIR No.67 dated 25.10.2019 (Annexure P-1), registered under Section 22 of NDPS Act at Police Station Smalsar, District Moga.

Learned counsel for the petitioner, based on the pleadings, submits that the petitioner has been falsely implicated in the case. He submits that in fact, on merits, it is a clear case where the alleged recovery is in fact planted on him. He further submits that reading of the FIR would show that he was apprehended in violation of provisions of the Act by ASI Harbinder Singh and it is so stated in the FIR that due to local rank, he could not proceed further in such proceedings/search proceedings. He further submits that there

are total of 15 witnesses and none has been examined till date. The case is now fixed for 01.09.2020 for framing of charges.

On instructions from ASI Gurcharan Singh, learned State counsel submits that in fact the petitioner was arrested from the spot and the recovery was conducted by the Gazetted Officer. The recovered quantity is 830 grams and therefore commercial in nature. It is further submitted that the petitioner has undergone 08 months & 27 days of custody. Learned State counsel then submits that the petitioner is not involved in any other criminal case.

Faced with the situation, learned counsel for the petitioner submits that because of COVID-19 situation, the trial is likely to take some time and detention of the petitioner in jail would be dangerous to his life, hence, the petitioner may be granted concession of regular bail.

In view of the peculiar facts and circumstance 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 direct release of the petitioner on regular bail to the satisfaction of trial Court/Duty Magistrate concerned, subject to his 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.

The petition stands disposed of accordingly.

(GIRISH AGNIHOTRI)
JUDGE

23.07.2020
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Whether speaking/ reasoned:	Yes/No
Whether Reportable:	Yes/No