

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

204**CRM-M-17807-2020 (O&M)****Date of decision: 07.08.2020****Raj Kumar @ Gugi****.....Petitioner****versus****State of Punjab****....Respondent****CORAM: Hon'ble Mr. Justice Girish Agnihotri**

Present: Mr. Ashok Kumar Khunger, Advocate, for the petitioner.

Mr. Rana Harjasdeep Singh, DAG, Punjab.

*(the aforesaid presence is being recorded through video
conferencing since the proceedings are being conducted in Virtual Court).*

GIRISH AGNIHOTRI, J. (Oral)

Petitioner-Raj Kumar @ Gugi, stated to be aged 50 years, has filed the present petition *inter alia* praying for grant of regular bail in case FIR No.0118 dated 29.04.2020, under Sections 21, 29 of Narcotic Drugs & Psychotropic Substances Act, 1985 (for short 'the Act'), registered at Police Station Moti Nagar, District Police Commissionerate Ludhiana.

Learned counsel for the petitioner based on pleadings submits that petitioner has never been involved in any other NDPS case. The petitioner has been falsely implicated in this case. On merits, learned counsel submits that there was non-compliance of Section 50 of the Act. He further submits that the alleged recovery is of 120 grams of heroin, which is non-commercial quantity.

By making reference to para 7 of the petition, learned counsel for

the petitioner submits that the alleged recovery from custody of the petitioner alone has to be taken into consideration and cannot be clubbed with the recovery of another person.

Learned Senior counsel submits that the challan in this case was presented on 27.06.2020 and charges are yet to be framed. He then submits that there are total of 14 witnesses but none has been examined till date.

Learned counsel for the petitioner however 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 may be granted concession of 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. 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

07.08.2020

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