

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-19015-2020

Date of Decision:-09.09.2020.

Ajit Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR

Present: Mr. Rajiv Joshi, Advocate for the petitioner.

Mr. Gaurav Garg Dhuriwala, Senior DAG, Punjab.

SANJAY KUMAR, J. (Oral)

The petitioner is one of the accused in FIR No.01 dated 17.06.2018 on the file of Police Station Patara, District Jalandhar Rural, registered under Sections 18, 21 and 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the Act of 1985') and Sections 420, 465, 468 and 471 IPC. By way of this petition filed under Section 439 Cr.P.C., he seeks grant of regular bail.

The petitioner was allegedly found in possession of 6 kgs. of opium and 5 kgs. of ketamine. These quantities are well over the prescribed commercial quantities under the Act of 1985. Section 37 of the Act of 1985 would therefore have application to the case.

While so, Mr. Rajiv Joshi, learned counsel for the petitioner, would contend that in terms of the guidelines put in place by the High

Powered Committee at its review meeting held on 02.05.2020, keeping in mind the prevailing situation caused by the Covid-19 pandemic, the petitioner would be entitled to grant of interim bail, notwithstanding the provisions of Section 37 of the Act of 1985. Learned counsel would however admit that the petitioner never applied to the authorities concerned seeking benefit under the aforestated guidelines.

Be it noted that under Clause 8.2 of the aforestated guidelines set out in Memo No.12/16/2020-2H7/796-800 dated 02.05.2020, under-trial prisoners suffering from a serious heart condition and under treatment for the same for at least one year, would be entitled to seek temporary release on interim bail for 6 weeks.

As the petitioner never made an application under the aforestated clause, thereby enabling the authorities concerned to consider his case, the present petition is dismissed, without prejudice, leaving it open to the petitioner to make an application to the authorities concerned seeking benefit under the aforestated Clause 8.2 of Memo No.12/16/2020-2H7/796-800 dated 02.05.2020. In the event such an application is made, the same shall be dealt with on its own merits and in accordance with law, uninfluenced by the dismissal of this bail petition.

(SANJAY KUMAR)
JUDGE

September 09, 2020.

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Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.