

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

207 - CRM-M-19288-2020 (O&M)

Date of Decision: 28.09.2020

Balbir Singh

... Petitioner

VS.

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE GIRISH AGNIHOTRI

Present: Mr. GS Sidhu, Advocate for the petitioner

Mr. Rajiv Goel, DAG Haryana

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 Balbir Singh aged 56 years has filed the present petition *inter alia* with a prayer for grant of regular bail in case FIR No.25 dated 20.02.2020 under Sections 22(b) of NDPS Act, 1985 registered at PS Baragudha, District Sirsa.

Learned counsel for the petitioner submits the petitioner has no *prima facie* case on merits as mandatory provisions of the Act were not complied with. He then submits that the alleged recovery of 400 capsules of *Tramadole Hydrochloride Parvorin-Spas*. The FSL report has not yet been received. He, therefore submits that there is a possibility that the alleged recovery is non-commercial.

Learned State counsel, on instructions from ASI Rajinder Singh, submits that the investigation is complete in the present case; the FSL report is still awaited; challan in the present was presented on 18.06.2020; there are a total of 9 witnesses but none have been examined and the next date of hearing before the trial Court is fixed for 19.11.2020.

Counsel submits that due to the present COVID-19 situation, detention of the petitioner in jail would be dangerous to his life and also keeping in view the fact that trial is likely to take some time, the petitioner may be granted concession of regular bail.

In view of the facts noticed above, the present situation due to COVID-19 and the fact that trial is likely to take some time, this Court deems it appropriate to direct 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.

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

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.

28.09.2020

vishal shonkar

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

(Girish Agnihotri)
Judge

Yes/No
Yes/No