

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

202

CRM-M-19285-2020

Date of decision: 06.08.2020

Taranjit Singh @ Tarni

....Petitioner

versus

State of Punjab

....Respondent

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. C.L. Verma, Advocate
for the petitioner.

Mr. Rana Harjasdeep, DAG, 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-Taranjit Singh @ Tarni, stated to be aged 36 years, has filed the present petition under Section 439 Cr.P.C. *inter alia* with a prayer for grant of regular bail in case FIR No.125 dated 21.11.2019, registered under Sections 18 & 29 of NDPS Act, at Police Station Ajitwal, District Moga.

Learned counsel for the petitioner, based on the pleadings, submits that in fact, as per the allegations in the FIR, it is evident that the FIR proceeds on the basis of secret information. He further submits that two persons have been named in the FIR i.e. Taranjit Singh @ Tarni (present petitioner) and Sukhjinder Singh @ Nikka. He then submits that

the challan has been presented and in the challan, another person namely Gurwinder Singh has also been named, who has been granted bail vide order dated 19.05.2020, passed by the learned Judge, Special Court, Moga. Counsel for the petitioner further submits that the primary allegation against the petitioner is that the car, where from the alleged recovery of 03 kg of opium was recovered, was being driven by the petitioner. At this stage, learned counsel submits that the said car is not in the petitioner's ownership, but is actually in the ownership of Sukhjinder Singh.

Learned State counsel submits that the recovery is commercial in nature as it is more than 2 ½ kg. He further submits that apart from the recovery of opium and cash of Rs.2,40,000/- was also recovered from them. He then submits that there are total 15 witnesses, but none has been examined till date. It is also submitted that no other case is pending against the petitioner.

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

In view of the peculiar facts noticed above and the present situation due to COVID-19, 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. However, it is made clear that anything observed herein

shall not be construed as an expression on merits of the case. In case, any of the above submissions found to be incorrect, the prosecution and the complainant are at liberty to move an application for cancellation of bail.

The petition stands disposed of accordingly.

(GIRISH AGNIHOTRI)
JUDGE

06.08.2020
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Whether speaking/ reasoned:	Yes/No
Whether Reportable:	Yes/No