

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-19360-2020

Date of decision: 28.08.2020

Bhola Singh

.....Petitioner

versus

State of Punjab

....Respondent

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. P.K.S. Phoolka, Advocate for the petitioner.
Mr. Sidakmeet Singh Sandhu, AAG, Punjab.

GIRISH AGNIHOTRI, J. (Oral)

The matter has been taken up through video-conferencing on account of the restrictions due to outbreak of pandemic COVID-19.

Petitioner-Bhola Singh, stated to be aged 48 years, has filed the present petition *inter alia* with a prayer for grant of regular bail in case FIR No.23 dated 05.03.2020, under Sections 15/25/61 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Balianwali, Bathinda, District Bathinda.

Learned counsel for the petitioner based on pleadings, submits that in fact the petitioner was not present at the time and place of the alleged recovery. He further submits that the petitioner was arrested on 05.03.2020. Learned counsel by making reference to FIR, submits that as per the allegations in the FIR, petitioner-Bhola Singh has been named. He further submits that in the FIR, it has only been stated that there was a horse tralla and Mahindra Jeep in possession of more than one person. Because of suspicion,

when search was conducted, three bags were found inside the jeep. Learned counsel then submits that challan has been presented and in the challan the allegations are that the petitioner-Bhola Singh was driving the jeep and three bags were recovered containing 60 kg of poppy husk. He, however, submits that the same is marginally above the commercial quantity i.e. 50 kg.

Learned State counsel opposes the bail on merits, but is not in a position to dispute the fact that the petitioner was arrested on 05.03.2020. He, however, on instructions from ASI Paramjit Singh, submits that the challan in this case has been presented on 07.08.2020. There are total of 16 witnesses but none has been examined till date.

Faced with the above situation, learned counsel for the petitioner 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 is entitled for 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

28.08.2020/*jyoti3*

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