

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

203

CRM-M-19807-2020

Date of decision: 02.11.2020

Falgu Ram**.....Petitioner****versus****State of Punjab****....Respondent****CORAM: Hon'ble Mr. Justice Girish Agnihotri**

Present: Mr. PK Kapila, Advocate for the petitioner.

Mr. H.S. Sitta, Asstt. A.G., Punjab.

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

GIRISH AGNIHOTRI, J. (Oral)

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

The petitioner Falgu Ram, stated to be aged 70 years has filed the present petition *inter alia* with a prayer for grant of regular bail in case FIR No.0032 dated 26.02.2020 under Section 22 ACT No. 61 Year 1985 of The Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the Act'), registered at PS City Rampura, District Bathinda.

Learned counsel for the petitioner submits that a perusal of the FIR would show that it has been alleged that one person was seen coming on foot and on seeing the police party, he started running, by throwing plastic bag which was in his hand. In the petition, it has been submitted that the petitioner was arrested on 26.02.2020. He is 70 years old person and suffering from various ailments and requires extra care.

Learned State counsel, on instruction from ASI Ranjit Singh,

submits that commercial quantity of intoxicant tablets were recovered which was commercial quantity. He submits that the investigation is complete, challan has been presented. There are total of 9 witnesses, but none has been examined. He further submits that the petitioner was earlier involved in another FIR No.49 dated 16.05.2018 which was registered under the Excise Act and in view of the above, if the petitioner is released on bail, he is likely to indulge again in same/similar crime.

Faced with the situation, learned counsel for the petitioner submits that considering the age of the petitioner to be above 70 years and the fact that he is suffering from various ailments, it will not be possible to take care of his health, if he is detained in jail. He further submits that he has instructions from the petitioner and his family members that in order to show their *bona fides*, the petitioner and his family members are ready to deposit bank guarantee/original property papers worth Rs.4 lakhs (in the name of petitioner or any of his relatives) with an undertaking that they would not create any encumbrance or sell the said property during the trial. The petitioner would also give an undertaking that he would not involve himself in any other case after the present case and in case he is found involved and found guilty in any other subsequent case (today onwards), the above said property can be confiscated and the amount so realized be forfeited in the Government Treasury.

Counsel for the petitioner then 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 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.

In addition to the bail bonds/surety bonds, in pursuance to the offer made by his counsel, the petitioner would deposit bank gaurantee/original property papers worth Rs.4 lakhs (in the name of the petitioner or any of his relatives). He would further give an undertaking that the petitioner or his family members would not create any encumbrance or sell the said property during the trial. The petitioner would also give an undertaking that he would not involve himself in any other case after the present case and in case, he is found involved and found guilty in any other subsequent case (today onwards), the above said property shall be confiscated and the amount so realized i.e. Rs.4 lakhs be forfeited and deposited in the Government Treasury. The same shall be without prejudice to defence of the petitioner before the trial Court.

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

02.11.2020

jyoti3

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