

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

208

**CRM-M-20730-2020 (O&M)
Date of decision: 06.10.2020**

Sehzad Ahmed

.....Petitioner

versus

State of Punjab

....Respondent

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. Veneet Sharma, Advocate,
for the petitioner.

Mr. P.S. Walia, Asstt. A.G., Punjab.

GIRISH AGNIHOTRI, J. (Oral)

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

Petitioner-Sehzad Ahmed, stated to be aged 32 years, has filed the present petition *inter alia* praying for grant of regular bail in case FIR No.82 dated 08.07.2018, under Section 21 of the NDPS Act, registered at Police Station Jhabal, District Tarn Taran.

At the outset, learned counsel for the petitioner submits that as per the allegations in the FIR, there were two accused and the person driving the vehicle, the co-accused, namely, Tarsem Singh @ Sema has been granted the concession of regular bail by this Court vide order dated 12.03.2020 passed in *CRM-M No.11496 of 2019*. Learned counsel for the petitioner, secondly, submits that even on merits, the petitioner has a good prima facie case as there has been alleged non-compliance of Section 50 of

the NDPS Act, as the offer given to the petitioner was defective. In this regard, learned counsel made reference to copy of non-consent memo (Annexure P4). He then submits that the petitioner is not involved in any other case and he has been falsely implicated in the present case with the allegation that 1 kg heroin was found from the possession of the petitioner.

Learned State counsel, on instructions from ASI Gurmeet Singh, submits that the challan in this case has been presented on 21.12.2018. Charges have been framed on 11.04.2019. There are total of 12 witnesses, but none has been examined till date. He, however, on merits opposes the bail application by submitting that the recovery is heavy commercial quantity.

Faced with the situation, learned counsel for the petitioner submits that the petitioner is a young boy of 32 years of age and has not been involved in any other case except the present case. He further submits that the petitioner has completed more than 02 years and 02 months of custody. He then 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 and the fact that trial is likely to take time, this Court deems it appropriate to release the petitioner on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned, subject to his furnishing *heavy 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

06.10.2020

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