

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

210 - CRM-M-21167-2020
Date of Decision: 06.10.2020

Gurmeet Singh @ Geta

... Petitioner

VS.

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE GIRISH AGNIHOTRI

Present: Mr. Himanshu Puri, Advocate for the petitioner

Mr. PS Walia, AAG Punjab

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 Gurmeet Singh @ Geta aged 31 years has filed the present petition *inter alia* with a prayer for grant of regular bail in case FIR No.37 dated 21.03.2015 under Section 22 of NDPS Act, 1985 registered at PS Sadar Kapurthala.

Learned counsel firstly submits that as per the allegations in the FIR, there is recovery of non-commercial quantity of 50 gms of intoxicant powder found to be diphenoxylate hydrochloride. He secondly, submits that vide order dated 21.09.2015, the petitioner was granted regular bail by the Special Court, Kapurthala. He thereafter continuously appeared during trial but failed to appear on 07.02.2018. The petitioner was declared PO and was arrested on 15.03.2020 and is in custody since then.

Learned State counsel on instructions from ASI Balbir Singh submits that the petitioner was found involved in 2 other cases: one under the NDPS Act and the other under Section 379 IPC. However, in both the cases, the petitioner stands acquitted. He further submits that there are a total 10

witnesses, however, examination-in-chief of only one witness has been recorded till date. It is also submitted that the recovery can be stated to be at the verge of commercial because 50gms of the said intoxicating powder is commercial.

Faced with this situation, learned counsel for the petitioner submits that the petitioner is a young boy aged 31 years. He is not involved in any other case except the one mentioned above. Counsel 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 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.

06.10.2020

vishal shonkar

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

(Girish Agnihotri)
Judge

Yes/No
Yes/No