

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

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CRM-M-20884-2020

Date of decision: 04.09.2020

Jarmal Singh @ Gurjit Singh @ Jarman Singh**.....Petitioner****versus****State of Punjab****....Respondent****CORAM: Hon'ble Mr. Justice Girish Agnihotri**

Present: Mr. Harneet Singh Oberoi, Advocate
for the petitioner.

Mr. Sukhbeer Singh, Assistant AG, 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-Jarmal Singh @ Gurjit Singh @ Jarman Singh, stated to be aged 42 years, has filed the present petition *inter alia* with a prayer for grant of regular bail in case FIR No.62 dated 13.04.2019, registered under Sections 21 & 29 of NDPS Act, at Police Station Patti, District Tarn Taran.

Learned counsel for the petitioner submits that in fact, reading of the FIR would show that the allegations primarily are against Nishan Singh and others. Counsel for the petitioner submits that the petitioner has been falsely implicated, rather to help the co-accused Nishan Singh.

On instructions from ASI Gurpal Singh, learned State counsel submits that two other FIRs are also pending against the petitioner. He further submits that charges in this case have been framed on 07.01.2020

and there are total of 13 witnesses, but none has been examined till date. He then submits that after a disclosure statement, one kg of heroin was recovered from the petitioner.

Faced with the situation, learned counsel for the petitioner submits that in fact, the petitioner has good reputation in the city. He has also placed on record affidavit of one Gurjant Singh (Annexure P-2), R/o Village Moothiawala, Tehsil Vah District Ferozepur, to say that in fact, he knows the petitioner from last 10 years. Learned counsel further submits that he has instructions from the petitioner to submit that petitioner is not a habitual offender and would deposit property papers (which may be in his own name or in the name of any relative) worth Rs.5 lacs as security and further submits that in case, the petitioner is found involved and found guilty in any subsequent case, the said amount as aforementioned, can be forfeited and deposited in the Government Treasury.

Learned counsel for the petitioner also submits that in view of the COVID 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 and also 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. However, it is made clear that anything observed herein shall not be construed as an expression on merits of the case.

In addition to the above said bail/surety bonds, the petitioner is directed to deposit property papers (which may be in his own name or in the name of any relative) worth Rs.5 lacs as security, to the trial Court. It is also made clear that in case, the petitioner is found involved and found guilty in any subsequent case, the said amount as aforementioned shall be forfeited and deposited in the Government Treasury.

Accordingly, the present petition stands disposed of.

(GIRISH AGNIHOTRI)
JUDGE

04.09.2020

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Whether speaking/ reasoned:

Yes/No

Whether Reportable:

Yes/No