

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

203

CRM-M-21352-2020

Date of decision: 21.08.2020

Gurpreet Singh @ Lovely**.....Petitioner****versus****State of Punjab****....Respondent****CORAM: Hon'ble Mr. Justice Girish Agnihotri**

Present: Mr. Arjun Veer Sharma, Advocate, for the petitioner.

Mr. Amit Mehta, Sr. DAG, Punjab.

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

GIRISH AGNIHOTRI, J. (Oral)

Petitioner-Gurpreet Singh @ Lovely, stated to be aged 37 years, has filed the present petition under Section 439 Cr. P.C. *inter alia* praying for grant of regular bail in case FIR No.0002 dated 01.01.2018, under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Division No.3, Ludhiana.

Learned counsel for the petitioner, based on pleadings, submits that the alleged recovery is marginally above the commercial quantity i.e. allegedly of 300 grams of heroin along with polythene bag. He submits that the petitioner was arrested on 01.01.2018. Learned counsel then submits that the petitioner has been in regular custody since 2018 and has thus, completed more than 2 ½ years of custody.

Learned State counsel, on instructions from SI Rashpal Kaur, submits that the next date in this case is 28.09.2020. He submits that out of

total of 12 witnesses, only 07 witnesses have been examined and 05 are yet to be examined. He then submits that there is one more case registered against him under NDPS Act i.e. case FIR No.406 dated 24.12.2018 and he is still behind bars in that case.

Faced with the situation, learned counsel for the petitioner submits that infact, the petitioner was arrested on 01.01.2018. He submits that while he was already in custody, based on some disclosure statement, FIR No.406 dated 24.12.2018 was registered. He further submits that in that case, the recovery was not effected from the petitioner because he was already in custody. He, however, submits that alleged recovery from some other persons was made, which was of non-commercial quantity. He then submits that due to the present COVID-19 situation, detention of the petitioner in jail is dangerous to his life, therefore, petitioner may be granted concession of 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 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 bail bonds, the petitioner shall get an FDR amounting to Rs.1 lakh made in his own name (valid for 5 years), with an undertaking that he will not encash the said FDR, till further orders of the

Court. This undertaking be sent to the concerned Bank. It is also made clear that in case, the petitioner is subsequently found involved in any other case after the present FIR, the said amount mentioned in the FDR, shall be forfeited and shall be deposited in the Government Treasury.

The petition stands disposed of accordingly.

21.08.2020

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(GIRISH AGNIHOTRI)
JUDGE

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