

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-22858-2020 (O&M)

Date of Decision: 20.08.2020

Sukhjinder Singh @ Nikka

... Petitioner

VS.

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE GIRISH AGNIHOTRI

Present: Mr. CL Verma, Advocate for the petitioner

Mr. Amit Mehta, Sr.DAG 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 Sukhjinder Singh @ Nikka aged 39 years has filed the present petition *inter alia* with a prayer for grant of regular bail in case FIR No.125 dated 21.11.2019, registered under Sections 18 & 29 of NDPS Act, 1985 at Police Station Ajitwal, District Moga.

Learned counsel for the petitioner, based on the pleadings, submits that in fact, as per the allegations in the FIR, it is evident that the FIR proceeds on the basis of secret information. He further submits that two persons have been named in the FIR i.e. Taranjit Singh @ Tarni and Sukhjinder Singh @ Nikka (the present petitioner). He then submits that in the challan presented, another person namely, Gurwinder Singh has also been named, who has been granted bail vide order dated 19.05.2020, passed by the learned Judge, Special Court, Moga. Counsel relies upon the order dated 06.08.2020 passed in **CRM-M-19285-2020 (Taranjit Singh @ Tarni vs. State of Punjab)** (P4) vide which co-accused of the petitioner has been granted regular bail by this Court.

Counsel for the petitioner further submits that the petitioner has been falsely implicated merely on the basis of ownership of the car, wherefrom the alleged recovery of 03 kg of opium was recovered.

Learned State counsel, on instructions from ASI Balwinder Singh, submits that the recovery of opium is commercial in nature as it is more than 2 ½ kg. He further submits that apart from the recovery of opium and cash of Rs.2,40,000/- was also recovered from them.

He then submits that there are total 15 witnesses, but none have been examined till date. It is also submitted that no other case is pending against the petitioner. Counsel submits the petitioner has completed 8-months and 25-days of custody.

Faced with the situation, learned counsel for the petitioner 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 peculiar facts noticed above and the present situation due to COVID-19, 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 case, any of the above submissions is found to be incorrect, the prosecution and the complainant are at liberty to move an application for cancellation of bail.

The petition stands disposed of accordingly.

20.08.2020

vishal shonkar

(Girish Agnihotri)
Judge