

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

205 - CRM-M-22133-2019 (O&M)

Date of Decision: 12.10.2020

Sarabjot Singh @ Jota

... Petitioner

VS.

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE GIRISH AGNIHOTRI

Present: Mr. VK Jindal, Advocate for the petitioner

Mr. Sukhbeer, Singh, 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.

CRM-20229-2020

Allowed as prayed for.

Documents (P7 to P15) are taken on record subject to all just exceptions.

CRM stands disposed of.

Main case (O&M)

The petitioner Sarabjot Singh @ Jota aged 30 years has filed the present petition *inter alia* with a prayer for grant of regular bail in case FIR No.216 dated 30.08.2018 under Section 21/29 of NDPS Act, 1985 and Sections 25/27 of the Arms Act, 1959, registered at PS Gate Hakima, District Amrtisar City.

Learned counsel for the petitioner based upon the pleadings submits that the petitioner was arrested on 30.08.2018 and has thus completed 2 years 1 month of custody. He submits that the alleged recovery of 300 gms

heroin has been effected from the petitioner. He submits that the petitioner has good case on merits.

Learned State counsel, on instructions from ASI Kanwardeep Singh, submits that apart from 300 gms of heroin, a pistol was also recovered from the petitioner. There are a total of 30 witnesses out of which only one witness has been examined till date. It is submitted that the petitioner is found involved in one more case under the NDPS Act. State Counsel then submits in view of the above, it is likely that if the petitioner is granted bail, he would involve himself in same/similar crime.

Faced with this, learned counsel submits that in order to show his *bona fide*, the petitioner and his family members have offered to deposit bank guarantee/original papers of the property worth Rs.10 lacs before the Duty Magistrate/trial Court, with an undertaking that they would neither alienate the said property nor create any encumbrance on the same, till further orders of the Court. The petitioner would not involve himself in any other case and if found involved and held guilty in any other subsequent case (today onwards), the above said bank guarantee/property can be confiscated and the amount so realized be forfeited and deposited in the Government Treasury.

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 keeping in view 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

In view of the peculiar circumstances as noticed above, in addition to bail bonds/additional surety which the trial court may further require the petitioner to furnish as it deems appropriate, in pursuance to the offer made by their counsel, the petitioner, within one month from date of his release, would give an undertaking that he would not involve himself in any other case after today. In order to show his *bona fides*, the petitioner would submit bank guarantee/original property papers worth of Rs.10 lakhs with the trial Court/Duty Magistrate with a further undertaking not to create any encumbrance, alienate or sell the said property during trial. In the undertaking, it will also be incorporated that in case the petitioner is found involved in any other case and is held guilty from today, the property shall be confiscated and the amount shall be liable to be forfeited and the same be deposited in the Government Treasury. The same shall be without prejudice to defence of the petitioner before the trial Court.

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.

12.10.2020

vishal shonkar

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

(Girish Agnihotri)
Judge

Yes/No
Yes/No