

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

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**CRM-M-23640-2020 (O&M)**

**Date of Decision: 28.08.2020**

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Heera Singh

... Petitioner

VS.

State of Punjab

... Respondent

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**CORAM: HON'BLE MR.JUSTICE GIRISH AGNIHOTRI**

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Present: Mr. Amit Arora, Advocate for the petitioner

Mr. Sidakmeet Singh Sandhu, AAG Punjab

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**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 Heera Singh aged 45 years has filed the present petition *inter alia* with a prayer for grant of regular bail in case FIR No.10 dated 21.01.2015 under Sections 22 of NDPS Act, 1985 registered at PS Sarai Amanat Khan, District Amritsar City (now Tarn Taran).

Learned counsel based upon the pleadings submits that a perusal of the FIR would show that the petitioner has been stated to be walking on foot and was allegedly holding a plastic bag which further contained medicines and intoxicating powder. Learned counsel submits that the total weight of the same was allegedly 260 gms which is slightly above the commercial quantity i.e. 250 gms. He submits that the FIR is of January, 2015. The petitioner remained in custody since January, 2015 upto 17<sup>th</sup> April, 2015. On 17<sup>th</sup> April, 2015, the petitioner was released on interim bail awaiting FSL report. He was again arrested on 06<sup>th</sup> May, 2019 and has since completed nearly 1 ½ years of custody.

Learned State counsel, on instructions from ASI Gursahib Singh, submits that all the prosecution witnesses have already been examined. The case is now fixed for defence evidence. The next date fixed before the trial Court is 07.09.2020.

Counsel then submits that the petitioner is not involved in any case of similar nature except the one involving Excise Act in which the petitioner was convicted and has already undergone the conviction period of one year. Counsel urges 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.

It is also made clear that in case the petitioner is subsequently found involved in any other NDPS case, the prosecution is free to move an application for cancellation.

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.

**28.08.2020**

*vishal shonkar*

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

**(Girish Agnihotri)**  
**Judge**

*Yes/No*  
*Yes/No*