

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

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CRM-M-25251-2020

Date of decision: 07.09.2020

Jagsir Singh**.....Petitioner****versus****State of Haryana****....Respondent****CORAM: Hon'ble Mr. Justice Girish Agnihotri**

Present: Mr. S.S. Sahu, Advocate
for the petitioner.

Mr. Rajiv Goel, DAG, Haryana.

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-Jagsir Singh, stated to be aged 20 years, has filed the present petition *inter alia* with a prayer for grant of regular bail in case FIR No.143 dated 29.06.2020, registered under Section 22(c)/27A/ 61/85 of NDPS Act, Police Station Sadar Ratia, Tehsil Ratia, District Fatehabad.

Learned counsel for the petitioner submits that petitioner has been wrongly involved in the present FIR. He then submits that the present FIR is of 29.06.2020. He then submits that on the date of the present FIR, the petitioner was already in custody since 17.06.2020. The petitioner was in custody since 17.06.2020 in case FIR No.283 dated 11.06.2020, registered at Police Station City Fatehabad. He further goes on to submit that he was released on bail in FIR No.283 dated 11.06.2020, on 03.09.2020.

On instructions from ASI Nischal Singh, learned State counsel submits that it has been mentioned in the FIR that recovery was of 100 mg Tramadol Hydrochloride Tablets and 50 strips of intoxicating tablets. He submits that weight of total recovery was 523.5 grams. He further submits that there are three more FIRs against the petitioner, which are dated 26.03.2020, 11.06.2020 and 30.06.2020.

Faced with the situation, learned counsel for the petitioner submits that the alleged recovery has not been effected from the petitioner. He further submits that he has instructions on behalf of the petitioner, to submit that the petitioner would submit bank guarantee/papers of some immovable property (in his own name or any of his relative) worth Rs.7 lacs (as security) to the trial Court and he would also give an undertaking that in case, he is found involved in any other subsequent case today onwards and found guilty, the aforementioned amount 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, in pursuance to the offer made by counsel for the petitioner, the petitioner would deposit (within one month from the date of his release) bank guarantee/papers of some immovable property (in his own name or any of his relative) worth Rs.7 lacs (as security) to the trial Court. The petitioner would also give an undertaking that in case, he is found involved and found guilty in any subsequent case, the said amount/property as aforementioned shall be forfeited and deposited in the Government Treasury. The above said offer shall be without prejudice to the defence of the petitioner before the trial Court.

Accordingly, the present petition stands disposed of.

(GIRISH AGNIHOTRI)
JUDGE

07.09.2020

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Whether speaking/ reasoned:

Yes/No

Whether Reportable:

Yes/No