

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

213

CRM-M-25071-2020

Date of decision: 04.09.2020

Surinder Kumar

....Petitioner

versus

State of Punjab

....Respondent

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. Nikhil Kumar Vashisht, Advocate,
for the petitioner.
Mr. Sukhbeer Singh, Asstt. A.G., Punjab.

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-Surinder Kumar, stated to be aged 28 years, has filed the present petition *inter alia* praying for grant of regular bail in case FIR No.11 dated 23.01.2020 under Section 22/29 of The Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as 'ACT'), registered at Police Station Shahkot, District Jalandhar.

Learned counsel for the petitioner by making reference to the FIR submits that it was the case of secret information and inspite that compliance of Section 54 of the Act was not done. He further submits that the recovery is marginally higher than the commercial quantity. It is specifically pleaded in para 10 of the petition that petitioner is not involved

in any other case. Learned counsel then submits that co-accused, namely, Swarna, has been granted regular bail by this Court vide order dated 06.08.2020 passed in *CRM-M-19310-2020* and thus, the petitioner seeks the similar relief as granted to the co-accused.

Learned State counsel submits that challan has been presented on 10.07.2020 and charges have not been framed. He further submits that there are total of 10 witnesses but none has been examined till date.

Faced with the situation, learned counsel for the petitioner submits that the petitioner was arrested on 23.01.2020 and has completed more than 7 months of custody. Learned counsel, however, submits that due to the present COVID-19 situation and also the fact that trial is likely to take some time, detention of the petitioner in jail is dangerous to his life, therefore, petitioner is entitled for 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 the 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.

The petition stands disposed of accordingly.

(GIRISH AGNIHOTRI)
JUDGE

04.09.2020

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