

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

213 - CRM-M-29647-2020
Date of Decision: 06.11.2020

Gurpreet Singh @ Gopi @ Goli ... Petitioner

VS.

State of Punjab ... Respondent

CORAM: HON'BLE MR.JUSTICE GIRISH AGNIHOTRI

Present: Mr. VK Jindal, Advocate for the petitioner
Mr. Saurav Khurana, 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 Gurpreet Singh @ Gopi @ Goli aged 37 years has filed the present petition *inter alia* with a prayer for grant of regular bail in case FIR No.44 dated 10.04.2019 under Sections 21/29 NDPS Act, 1985 registered at PS Sadar Batala, District Gurdaspur.

Learned counsel for the petitioner based upon the pleadings submits that the memo of consent (copy attached as Annexure P4) would reveal that its a pre-typed document. The particulars of FIR and the nature of offence already finds mentioned in the typed format in the said memo of consent. It is further mentioned that the *ruka* which is consent from the spot is hand written whereas consent memo is typed. It is alleged that the said fact itself shows the manipulative attempt on the part of the prosecution to falsely implicate the petitioner.

Learned State counsel on instructions submits that the investigation is complete; charges were framed and there are total of 13 witnesses and none have been examined till date. He further submits that 260

quantity has been recovered from the petitioner. It is further submitted that there are 4 cases pending against the petitioner. State counsel opposed the granting of bail and submits that in case bail is granted to the petitioner, it is very likely that he will again indulge the same 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.5 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 for the petitioner submits that the petitioner is a young man of 37 years and 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 bail bonds/surety bonds.

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.5 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 bank guarantee/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

06.11.2020

vishal shonkar

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

(Girish Agnihotri)
Judge

Yes/No
Yes/No