

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

213

CRM-M-29815-2020

Date of decision: 01.10.2020

Kulbir Singh

.....Petitioner

versus

State of Punjab

....Respondent

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. Barjesh Kumar Sharma, Advocate for the petitioner.

Mr. H.S. Sitta, Assistant AG, 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-Kulbir Singh, stated to be aged 22 years, has filed the present petition *inter alia* with a prayer for grant of regular bail in case FIR No.26 dated 03.03.2020, registered under Section 22/61/85 of NDPS Act and Section 61/1/14 of Punjab Excise Act, at Police Station Cheema, District Sangrur.

Learned counsel for the petitioner, based on the pleadings, submits that the petitioner has been falsely implicated in the present case. He then submits that as per the allegations in the FIR, co-accused Ramzan Khan and Gurjinder Singh along with the petitioner, were apprehended on motorcycle with 550 strips of Clovidol.

At this stage, learned counsel refers to the orders dated

03.07.2020 (passed in CRM-M-15840-2020) and 05.08.2020 (passed in CRM-M-19065-2020), vide which, co-accused Ramzan Khan @ Bunty and Gurjinder Singh @ Mithun respectively, have been granted bail by this Court.

On instructions from SI Gurcharan Singh, learned State counsel submits that the FSL report qua recovery under NDPS Act, has been received, however, FSL report qua commodity under the Excise Act, is still awaited. He further submits that the investigation in this case is complete and challan has been presented on 28.08.2020. It is then submitted that there are total of 15 witnesses, out of which none has been examined till date.

Faced with the situation, learned counsel for the petitioner submits that he has instructions on behalf of the petitioner, to submit that he would submit **heavy** surety before the Chief Judicial Magistrate/Duty Magistrate concerned with an undertaking that he would not involve himself in any other subsequent case and in case, he is found involved in any other subsequent case (today onwards) and found guilty, the aforementioned bail/surety bonds can be forfeited.

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/ **heavy** surety bonds. In view of the offer made by counsel for the petitioner, the petitioner is directed to give an undertaking that he would not involve himself in any other case and if, the petitioner is found involved in any other subsequent case and found guilty, the above said bail/surety bonds shall be forfeited.

However, it is made clear that anything observed herein shall not be construed as an expression on merits of the case.

Accordingly, the present petition stands disposed of.

(GIRISH AGNIHOTRI)
JUDGE

01.10.2020

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Whether speaking/ reasoned:

Yes/No

Whether Reportable:

Yes/No