

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

207

CRM-M-31806-2020

Date of decision: 15.10.2020

Mani @ Purandeep Singh**.....Petitioner****versus****State of Punjab****....Respondent****CORAM: Hon'ble Mr. Justice Girish Agnihotri**

Present: Mr. P.S. Sekhon, Advocate for the petitioner.

Ms. Bhawna Gupta, DAG, Punjab.

(the aforesaid presence is being recorded through video conferencing since the proceedings are being conducted in Virtual Court).

GIRISH AGNIHOTRI, J. (Oral)

The matter has been taken up through video conferencing on account of restrictions due to outbreak of COVID-19 pandemic.

The petitioner Mani @ Purandeep Singh, stated to be aged 19 years has filed the present petition *inter alia* with a prayer for grant of regular bail in case FIR No.267 dated 31.07.2020 under Sections 22 and 29 of The Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the Act'), registered at PS Sadar Dhuri, District Sangrur.

Learned counsel for the petitioner, at the outset, submits that in fact, a perusal of the FIR would show that the alleged recovery has not been from the conscious possession of the petitioner. There are other two persons/co-accused who have been named. He submits that therefore, in the case of the petitioner, Section 37 of the Act would not be attracted as he has been involved primarily on account of Section 29 of the Act.

Learned State counsel, on instructions from ASI Raghubinder Singh, submits that the petitioner is a young boy and is not expected to be indulged in such heinous crime. It is submitted that in case, the petitioner is released on bail, he is likely to indulge again. It is submitted that the FSL report is still awaited.

Faced with the situation, learned counsel for the petitioner submits that he has instructions from the petitioner and his family members that in order to show their *bona fides*, the petitioner and his family members are ready to give original property papers worth Rs.2 lakhs (in the name of petitioner or any of his relatives) with an undertaking that they would not create any encumbrance or sell the said property during the trial. The petitioner would also give an undertaking that he would not involve himself in any other case after the present case and in case he is found involved and found guilty in any other subsequent case (today onwards), the above said property can be confiscated and the amount so realized be forfeited in the Government Treasury.

Counsel for the petitioner then submits 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 bail bonds/surety bonds.

In addition to the bail bonds/surety bonds, in pursuance to the offer made by his counsel, the petitioner would deposit original property papers worth Rs.2 lakhs (in the name of the petitioner or any of his relatives). He would further give an undertaking that the petitioner or his family members would not create any encumbrance or sell the said property during the trial. The petitioner would also give an undertaking that he would not involve himself in any other case after the present case and in case, he is found involved and found guilty in any other subsequent case (today onwards), the above said property shall be confiscated and the amount so realized be forfeited and 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.

(GIRISH AGNIHOTRI)
JUDGE

15.10.2020

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