

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

216 - CRM-M-35067-2020 (O&M)

Date of Decision: 06.11.2020

Nazir Ahmed @ Nazir

... Petitioner

VS.

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE GIRISH AGNIHOTRI

Present: Mr. Prateek Pandit, 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 Nazir Ahmed @ Nazir who is stated to be aged 35 years has filed the present petition *inter alia* with a prayer for grant of regular bail. He has been allegedly involved in case FIR No.110 dated 26.08.2019 under Section 15 of NDPS Act registered at PS Maqsudan, District Jalandhar (Rural).

Learned counsel submits that the petitioner was arrested on 26.08.2019. The petitioner was neither the owner nor the driver of the truck. He submits that even on merits, the FIR proceeds on the basis of secret information but Section 42 of the Act have not been complied with. He relies upon the judgment in **Sarija Banu (A) Janarthani vs. State Through Inspector Of Police, (2004) 12 SCC 266.** Counsel submits that the co-accused Janga Singh @ Jang has already been granted regular bail in CRM-M-19809-2020 vide order dated 07.08.2020 (P3).

Learned State counsel submits that challan in this case has been presented. There are a total of 14 witnesses and none have been examined as charges have not been framed.

Faced with this, learned counsel for the petitioner submits that he has completed almost one year of custody. He then submits that due to COVID situation retention of the petitioner in jail is dangerous to his life and otherwise also the trial is likely to take some time.

In view of the above, this Court deems it appropriate to release the petitioner on regular bail subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the Duty Magistrate/trial court concerned.

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

Disposed of.

06.11.2020

vishal shonkar

**(Girish Agnihotri)
Judge**

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

Yes/No
Yes/No