

**Sr. No. 203**

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

**CRM-M-31548 of 2019 (O&M)  
DATE OF DECISION : 21.09.2020**

**Gurjant Singh @ Janta**

**...Petitioner**

**Versus**

**State of Punjab**

**...Respondent**

**CORAM : HON'BLE MR. JUSTICE ARUN MONGA**

Present : Ms. Satinder Kaur, Advocate,  
for the petitioner.

Mr. Luvinder Sofat, AAG Punjab.  
(Presence marked through video conference)

**ARUN MONGA, J. (ORAL)**

1. Petitioner seeks regular bail in FIR No. 61 dated 08.04.2019, registered under Sections 18 and 25 of Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Sadar Jagraon, District Ludhiana(Rural).

2. Per FIR, on 08.04.2019, while a police party was on patrolling, a secret information was received about transporting of opium by the petitioner from Haryana to sell the same in Ludhaina and Moga. As per information, accused was going to Ludhiana in his car bearing registration No. DL2CAA-1898. If intercepted, opium could be recovered. Pursuant thereto, case was registered. The petitioner was stopped while he was in the aforesaid car. During search, 2 Kgs 700 grams of opium was recovered. The petitioner was arrested.

3. Learned counsel submits that the petitioner is in custody since 08.04.2019. According to her, petitioner has been falsely implicated on the basis of an allegation that car bearing registration No. DL2CAA-1898 was being driven by petitioner at the time of occurrence, from which recovery was effected. She submits that petitioner is not the owner of the car and the contraband had already been pre-planted in the said car. The petitioner was not aware of the same. She submits that prime accused is the owner of the car. Same is borne out from the fact that he has not joined the investigation and is on the run ever since registration of the FIR. He has also been declared a proclaimed offender. She further submits that, in any case, allegations in the FIR can only be adjudicated at the trial, which is currently held up due to Covid-19 pandemic, despite the fact that challan was filed way back on 02.09.2019. She further submits that petitioner is languishing in jail despite the fact that he has no criminal antecedents. She argues that on the other hand petitioner is a National level Handball player and has represented his State in the National Games. He has won many prizes and medals in the past. She further submits that FIR is actually result of political pressure exerted by his political adversaries. The petitioner owes allegiance to a particular political group, to the dislike of his adversaries. She further submits that due to his prolonged confinement in jail, since trial is not proceeding, the petitioner has been infected with multiple ailments including that of liver, for which, he has been prescribed medicines after he had consulted his Physician during his interim bail granted by this Court vide order dated 04.08.2020.

4. On the other hand, learned State counsel opposes the bail plea. According to him, opium recovered from the petitioner falls within

commercial quantity. On a query of the Court, on instructions from SI Ramanpreet Singh, he admits that petitioner is not involved in any other case and there is not much progress in the trial due to Covid-19 pandemic.

5. The aforesaid respective contentions of learned counsel can only be adjudged only at the trial. Presently, there is no headway in the trial and the same is not likely to conclude anytime soon due to covid-19 pandemic, as a result of which Courts are working with restrictions and taking up only urgent matters. Petitioner is not involved in any other case. Considering the overall scenario, coupled with the medical condition of petitioner and without commenting on the merits of the case, the petition is allowed. Petitioner shall be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/ Duty Magistrate, as the case may be. It is however, made clear that in case the petitioner is found involved in any other case of similar nature while on bail, the prosecution shall be at liberty to seek cancellation of his bail.

**September 21, 2020**  
Jiten

**(ARUN MONGA)**  
**JUDGE**

**Whether speaking/reasoned : Yes/No**  
**Whether reportable : Yes/No**