

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

206

CRM-M-35536-2019 (O&M)

Date of decision: 07.09.2020

Harwinder Singh

.....Petitioner

versus

State of Punjab

....Respondent

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. Pritpal Singh Miglani, Advocate
for the petitioner.

Mr. Sukhbeer Singh, 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-Harwinder Singh, stated to be aged 30 years, has filed the present petition *inter alia* with a prayer for grant of regular bail in case FIR No.64 dated 20.03.2018, registered under Section 21/22/61/85 of NDPS Act, at Police Station Sadar Khanna, District Ludhiana.

Learned counsel for the petitioner, based on the pleadings, submits that the petitioner was arrested on 20.03.2018. It has been noticed in the order dated 10.07.2019 (Annexure P-1), passed by the learned Judge, Special Court, Ludhiana, that he had earlier escaped from the custody on 13.05.2018. Learned counsel then submits that he has been arrested on 25.03.2019 and has been in custody continuously since then. He further submits that in the FIR, it was alleged that in a bag which was found from

custody of the petitioner there were intoxicant liquid material, weighing about 750 ml and 33 packets of capsules of Petmol Spas. FSL report was awaited and recovery has also been noticed in Para 6 of the order dated 10.07.2019 (Annexure P-1)

On instructions from ASI Baljit Singh, learned State counsel submits that there are nine other FIRs against the petitioner. He further *inter alia* submits that approximately two or three FIRs are registered even after the period i.e. from 14.05.2018 to 02.11.2018. Learned counsel then submits that challan in this case has been presented and out of the total of 15 witnesses, none has been examined till date. The next date before the lower Court for framing of charges is fixed for 30.11.2020.

Faced with the situation, learned counsel for the petitioner submits that he has instructions on behalf of the petitioner, to submit that the petitioner would submit bank guarantee/papers of some immovable property (in his own name or any of his relative) worth Rs.7 lacs (as security) to the trial Court and he would also give an undertaking that in case, he is found involved in any other subsequent case today onwards and found guilty, the aforementioned amount can be forfeited and deposited in the Government Treasury.

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

In addition to the above said bail/surety bonds, in pursuance to the offer made by counsel for the petitioner, the petitioner would deposit (within one month from the date of his release) bank guarantee/papers of some immovable property (in his own name or any of his relative) worth Rs.7 lacs (as security) to the trial Court. The petitioner would also give an undertaking that in case, he is found involved and found guilty in any subsequent case, the said amount/property as aforementioned shall be forfeited and deposited in the Government Treasury. The above said offer shall be without prejudice to the defence of the petitioner before the trial Court.

Accordingly, the present petition stands disposed of.

(GIRISH AGNIHOTRI)
JUDGE

07.09.2020

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Whether speaking/ reasoned:

Yes/No

Whether Reportable:

Yes/No