

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

201

CRM-M-41602-2020

Date of decision: 23.12.2020

Ajay Singh @ Upnam

.....Petitioner

versus

State of Punjab

....Respondent

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. Parminder Singh Sekhon, Advocate
for the petitioner.

Mr. H.S. Sullar, DAG, 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-Ajay Singh @ Upnam, stated to be aged 24 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, registered under Section 22/29 of NDPS Act, at Police Station Sadar Dhuri, District Sangrur.

Learned counsel for the petitioner, based on the pleadings in the petition, submits that the FIR in the present case, is dated 31.07.2020. Learned counsel while making reference to the FIR submits that it was a case based on allegedly secret information. In the FIR two persons have been named i.e. Ajay Singh @ Upnam (present petitioner) and Gurjant Singh. It is also contended by the counsel that the alleged recovery from the petitioner comes to 251 grams which is marginally above the commercial quantity i.e. 250 grams.

Learned counsel then makes reference to the order dated 15.10.2020, passed by the Judge, Special Court, Sangrur (Annexure P-4), to submit that it has been noticed in the said order that finding the information to be incredible, ruqa was sent for registration of FIR and picket was laid on the road leading towards village Dhandiwal and the police party had apprehended Ajay Singh (present petitioner) and Gurjant Singh, from whose conscious possession 63 strips each containing 10 tablets, in total 630 tablets of Clovidol 100 SR were recovered.

Learned counsel for the petitioner also refers to the order passed by this Court on 05.11.2020 in CRM-M-34689-2020 (Annexure P-2). In the said order, the petitioner had relied on an order dated 08.10.2020, passed by this Court in the case of Gurjant Singh vs. State of Punjab. It was also submitted therein that since the report of FSL was awaited, an oral request was made for grant of interim bail. The same was granted on 05.11.2020. It is then submitted that FSL report was received thereafter and the petitioner surrendered within the stipulated time i.e. on 23.11.2020. It has been so noticed in the order dated 23.11.2020, passed by learned Judge Special Court, Sangrur that co-accused Gurpreet Singh is granted concession of regular bail. Learned counsel also submits that another co-accused/Purandeep Singh has also been granted regular bail by this Court vide order dated 15.10.2020. Learned counsel for the petitioner thus claims parity on that count.

On instructions from ASI Ravinder Pal Singh, learned State counsel submits that challan in his case has been presented on 23.11.2020 and there are total of 11 witnesses, but none has been examined till date. It is further submitted that the petitioner has not been involved in any other case and next date before the trial Court is fixed for 07.01.2021.

Faced with the situation, learned counsel for the petitioner 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/surety bonds.

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

23.12.2020

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Whether speaking/ reasoned:

Yes/No

Whether Reportable:

Yes/No