

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

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**203 - CRM-M-47962-2019 (O&M)**

**Date of Decision: 09.10.2020**

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Gurlal Singh

... Petitioner

VS.

State of Punjab

... Respondent

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**CORAM: HON'BLE MR.JUSTICE GIRISH AGNIHOTRI**

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Present: Mr. VK Jindal, Advocate for the petitioner

Mr. Sukhbeer, Singh, AAG Punjab

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**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 Gurlal Singh aged 29 years has filed the present petition *inter alia* with a prayer for grant of regular bail in case FIR No.17 dated 01.07.2018 under Sections 21/25/29 of NDPS Act, 1985 and Section 25 of the Arms Act, 1959 registered at PS State Special Operation Cell, Amritsar.

Learned counsel for the petitioner by making reference to the contents of the FIR submits that in fact the alleged recovery from the petitioner is 3kgs of heroin. It is pleaded that there was allegedly a secret information received. He however, submits that since it was not reduced into writing, there is alleged violation of Section 42 of the Act. He then submits that as per the prosecution case, DSP was already part of the raiding party on 03.07.2018. Since he was already present at the spot, he could not be said to be an independent gazetted officer.

Learned State counsel, on instructions from SI Sukhbir Singh submits that the challan has been presented but charges are yet to be framed.

He submits that there are a total of 22 witnesses but none have been examined till date. It is also submitted that the petitioner is not involved in any other case except the present one.

Faced with this, learned counsel for the petitioner was arrested on 03.07.2018 and has thus completed 2 years 3 months of custody. Counsel submits that in order to show his *bona fide*, the petitioner and his family members have offered to deposit bank guarantee/original papers of the property worth Rs.10 lacs before the Duty Magistrate/trial Court, with an undertaking that they would neither alienate the said property nor create any encumbrance on the same, till further orders of the Court. The petitioner would not involve himself in any other case and if found involved and held guilty in any other subsequent case (today onwards), the above said bank guarantee/property can be confiscated and the amount so realized be forfeited and deposited in the Government Treasury.

Counsel submits that due to the present COVID-19 situation, detention of the petitioner in jail would be dangerous to his life and also keeping in view 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 view of the peculiar circumstances as noticed above, in addition to bail bonds/additional surety which the trial court may further require the petitioner to furnish as it deems appropriate, in pursuance to the offer made by

their counsel, the petitioner, within one month from date of his release, would

give an undertaking that the petitioner would not involve himself in any other case after today. In order to show his *bona fides*, the petitioner would submit bank guarantee/original property papers worth of Rs.10 lakhs with the trial Court/Duty Magistrate with a further undertaking not to create any encumbrance, alienate or sell the said property during trial. In the undertaking, it will also be incorporated that in case the petitioner is found involved in any other case and is held guilty from today, the property shall be confiscated and the amount shall be liable to be forfeited and the same be 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.

**09.10.2020**

*vishal shonkar*

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

**(Girish Agnihotri)**  
**Judge**

**Yes/No**  
**Yes/No**